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BRITISH AND FOREIGN

State Papers.

SPEECH of The Queen, on the Opening of the British Parliament.—Westminster, February 1, 1849.

My Lords, and Gentlemen,

THE period being arrived at which the business of Parliament is usually resumed, I have called you together for the discharge of your important duties.

It is satisfactory to me to be enabled to state, that both in the north and in the south of *Europe* the contending parties have consented to a suspension of arms for the purpose of negotiating terms of peace.

The hostilities carried on in the Island of *Sicily* were attended with circumstances so revolting, that the *British* and *French* Admirals were impelled by motives of humanity to interpose, and to stop the further effusion of blood.

I have availed myself of the interval thus obtained to propose, in conjunction with *France*, to the King of *Naples*, an arrangement calculated to produce a permanent settlement of affairs in *Sicily*. The negotiations on these matters is still pending.

It has been my anxious endeavour, in offering my good offices to the various contending Powers, to prevent the extension of the calamities of war, and to lay the foundation for lasting and honourable peace. It is my constant desire to maintain with all foreign States the most friendly relations.

As soon as the interests of the public service will permit, I shall direct the papers connected with these transactions to be laid before you.

A rebellion of a formidable character has broken out in the *Punjab*, and the Governor-General of *India* has been compelled, for the preservation of the peace of the country, to assemble a considerable force, which is now engaged in military operations against the insurgents; but the tranquillity of *British India* has not been affected by these unprovoked disturbances.

I again commend to your attention the restrictions imposed on commerce by the navigation laws.

If you shall find that these laws are in whole or in part unnecessary for the maintenance of our maritime power, while they fetter

trade and industry, you will no doubt deem it right to repeal or modify their provisions.

Gentlemen of the House of Commons,

I have directed the estimates for the service of the year to be laid before you; they will be framed with the most anxious attention to a wise economy.

The present aspect of affairs has enabled me to make large reductions on the estimates of last year.

My Lords, and Gentlemen,

I observe with satisfaction that this portion of the United Kingdom has remained tranquil amidst the convulsions which have disturbed so many parts of *Europe*.

The insurrection in *Ireland* has not been renewed, but a spirit of disaffection still exists; and I am compelled, to my great regret, to ask for a continuance, for a limited time, of those powers which in the last session you deemed necessary for the preservation of the public tranquillity.

I have great satisfaction in stating that commerce is reviving from those shocks which at the commencement of last session I had to deplore.

The condition of the manufacturing districts is likewise more encouraging than it has been for a considerable period.

It is also gratifying to me to observe that the state of the revenue is one of progressive improvement.

I have to lament, however, that another failure in the potatoe crop has caused very severe distress in some parts of *Ireland*.

The operation of the laws for the relief of the poor in *Ireland* will properly be a subject of your inquiry; and any measures by which those laws may be beneficially amended, and the condition of the people may be improved, will receive my cordial assent.

It is with pride and thankfulness that I advert to the loyal spirit of my people, and that attachment to our institutions which has animated them during a period of commercial difficulty, deficient production of food, and political revolution.

I look to the protection of Almighty God for favour in our continued progress; and I trust that you will assist me in upholding the fabric of the Constitution, founded as it is upon the principles of freedom and of justice.

SPEECH of The Lords Commissioners, on the Closing of the British Parliament.—Westminster, August 1, 1849.

My Lords, and Gentlemen,

WE have it in command from Her Majesty to inform you, that the state of public business enables her to dispense with your attendance in Parliament, and to close the present Session.

Her Majesty has directed us to express her satisfaction with the zeal and assiduity with which you have discharged the laborious and anxious duties, in the performance of which you have been occupied.

Her Majesty has given her assent to the important measure you have passed to amend the navigation laws, in full confidence that the enterprize, skill, and hardihood of her people will assure to them a full share of the commerce of the world, and maintain upon the seas the ancient renown of this nation.

Her Majesty has commanded us to acquaint you, that the friendly character of her relations with foreign Powers affords her a just confidence in the continuance of peace.

The preliminaries of peace between *Prussia* and *Denmark* have been signed, under the mediation of Her Majesty; and Her Majesty trusts that this Convention may prove the forerunner of a definitive and permanent Treaty.

Her Majesty's efforts will continue to be directed to promote the restoration of peace in those parts of *Europe* in which it has been interrupted.

Gentlemen of the House of Commons,

We are commanded by Her Majesty to return you her thanks for the provision which you have made for the public service.

The public expenditure has undergone considerable reductions within the present year, and Her Majesty will continue to apply a watchful economy in every branch of the public service.

My Lords, and Gentlemen,

We are commanded by Her Majesty to congratulate you on the happy termination of the war in the *Punjaub*. The exertions made by the Government of *India*, and the valour displayed by the army in the field, demand Her Majesty's warmest acknowledgments.

Her Majesty has observed with gratification the spirit of obedience to the laws which has been manifested by her subjects during the period which has elapsed since Her Majesty last addressed her Parliament.

It is the characteristic of our Constitution that it renders the maintenance of order compatible with the fullest enjoyment of political and civil liberty.

The satisfaction with which Her Majesty has viewed the peaceful progress of her people in arts and industry has been greatly alloyed by the continuance of severe distress in one part of the United Kingdom.

Her Majesty has observed with pleasure your liberal exertions to mitigate the pressure of this calamity; and Her Majesty commands us to thank you for your unremitting attention to measures calculated to improve the general condition of *Ireland*. It is Her Majesty's fervent hope that it may please the Almighty Disposer of Events to favour the operation of those laws which have been sanctioned by Parliament, and to grant to her Irish people, as the reward of that patience and resignation with which they have borne their protracted sufferings, the blessings of an abundant harvest, and of internal peace.



*TREATY of Friendship and Commerce, between Great Britain and Abyssinia.—Signed at Ennowga, Nvember 2, 1849.**

[Her Majesty's Ratification was delivered to the Ras of Abyssinia, March 1, 1852.]

WHEREAS commerce is a source of great wealth and prosperity to all those nations who are firmly united in the bonds of reciprocal friendship: and whereas the conclusion of a Treaty of perpetual Amity and Commerce between Abyssinia and Great Britain, which has already been desired by their respective Sovereigns, would tend to the mutual advantage of both countries: and whereas it is desirable that the conditions should be specified whereupon the commercial intercourse betwixt the 2 nations should be conducted: now it is hereby declared, done, and agreed as follows, between Walter Charles Metcalfe Plowden, Esquire, Her Britannic Majesty's Consul to His Majesty of Abyssinia, duly empowered to that effect by Her Britannic Majesty, and by his said Majesty of Abyssinia on the other part:

ART. I. A firm, free, and lasting friendship shall subsist between Her Most Gracious Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, and her successors, on the one part, and His Majesty of Abyssinia and his successors, on the other part.

II. For the purpose of preserving and strengthening the friendly relations subsisting between the 2 nations, His Majesty of Abyssinia and his successors shall receive and protect any Ambassador, Envoy, or Consul, whom Her Britannic Majesty or her successors may see fit

* Signed in the English and Amharic languages.

to appoint; and shall preserve inviolate all the rights and privileges of such Ambassador, Envoy, or Consul.

III. Her Britannic Majesty and her successors will, in the same manner, receive and protect any Ambassador, Envoy, or Consul, whom His Majesty of Abyssinia or his successors may see fit to appoint, and will equally preserve inviolate all the rights and privileges of such Ambassador, Envoy, or Consul.

IV. His Majesty of Abyssinia engages to grant to the subjects of Her Britannic Majesty, and to the produce and commerce of her dominions, all favours, privileges, advantages, or immunities, either as regards duties, imposts, or charges, or in any other respect whatsoever, which His Majesty of Abyssinia has already granted, or may hereafter grant, to the subjects, produce, or commerce of any other foreign country.

V. An import duty of 5 for every hundred, and no more, may be levied and received by His Majesty of Abyssinia and his successors, upon all goods and merchandize imported by British subjects into the Kingdom of Abyssinia, for sale either therein or in the countries beyond.

VI. This import duty of 5 for every 100 shall be assessed upon the current value of the merchandize at the market-place of Gondar, and shall be paid at the rate of 5 for every 100, either in kind or in specie, at the option of the merchant.

VII. When the said import duty shall have been duly paid, the importing merchant shall be at full liberty to dispose of his goods at any place or places within the territories of Abyssinia, without any licence being required for the removal of the same, and without any prohibition, restraint, or further duty or impost of any kind being imposed upon the buyer; and the importing merchant may, if he pleases, carry away such goods to any other country or place, without any licence being required for the removal of the same, and without restraint or molestation, or the payment of any further duty or impost whatever.

VIII. British merchants shall be at liberty to purchase within the territories of Abyssinia all such commodities as they may think proper to buy, whether such commodities are the produce of those territories, or have been imported into those territories from other countries; and the said merchants may freely export the same without the payment of any duty whatever.

IX. The subjects of His Majesty of Abyssinia shall have in the United Kingdom the advantages which are already enjoyed, or which may hereafter be enjoyed, by the subjects of the most favoured nation; and no higher or other duties shall be imposed on the importation into the United Kingdom, of goods the produce of Abyssinia, than are or shall be payable upon the like goods the produce of any other foreign country imported in like manner.

X. A commercial intercourse shall be allowed and encouraged betwixt the subjects of Abyssinia and of the countries beyond that kingdom, on the one hand, and the subjects of Great Britain, on the other.

XI. In order to increase and promote commerce between Abyssinia and Great Britain, his Majesty of Abyssinia and his successors shall encourage merchants of all nations to bring the produce of the interior of Africa into the dominions of Abyssinia.

XII. With a like view, Her Britannic Majesty and her successors will protect British merchants in importing into Abyssinia such articles as may be needed therein.

XIII. For the better security of merchants and their property, His Majesty of Abyssinia and his successors, and Her Britannic Majesty and her successors, will respectively, to the best of their power, endeavour to keep open and to secure the avenues of approach betwixt the sea-coast and Abyssinia.

XIV. With a view to promote and encourage reciprocal intercourse between the subjects of the 2 nations respectively, His Majesty of Abyssinia engages, for himself and his successors, that no hindrance or molestation shall be offered to British travellers, whether residing within the territories of Abyssinia, or passing through them for the purpose of visiting the countries beyond; but such travellers shall be protected both as to their persons and as to their property.

XV. The effects belonging to such travellers, and not intended for sale, shall not be liable to duty of any sort, and shall in every respect be held to be their personal property, and to be inviolable.

XVI. The subjects of His Majesty of Abyssinia shall meet with no hindrance or obstruction whilst residing in any part of the dominions of Her Britannic Majesty, and shall not be prevented from proceeding beyond these dominions at their pleasure.

XVII. His Majesty of Abyssinia agrees that in all cases when a British subject shall be accused of any crime committed in any part of his Majesty's dominions, the accused shall be tried and adjudged by the British Consul, or other officer duly appointed for that purpose by Her Britannic Majesty; and in all cases when disputes or differences shall arise between British subjects, or between British subjects and the subjects of His Majesty of Abyssinia, or between British subjects and the subjects of any other foreign Power, within the dominions of His Majesty of Abyssinia, Her Britannic Majesty's Consul, or other duly appointed officer, shall have power to hear and decide the same without any interference, molestation, or hindrance, on the part of any authority of Abyssinia, either before, during, or after the litigation.

XVIII. If any British subject shall die in the territories of His Majesty of Abyssinia, the British Consul, or in his absence, his repre-

sentative, shall have the right to take charge of the papers and property of the deceased, for the benefit of his lawful heirs and creditors, without any interference on the part of the Abyssinian authorities.

XIX. Finally, it is agreed, that upon a strict observance of all the foregoing Articles and conditions, shall depend the continuance of a lasting and permanent friendship between the Contracting Sovereigns.

In witness whereof, the present Treaty has been signed and sealed by the above-named Walter Charles Metcalfe Plowden, Esquire, and by His Majesty of Abyssinia.

Done at Ennowga, the 2nd day of November, in the year of Our Lord 1849, corresponding with the Abyssinian date the 24th day of Tekumt, in the year of Our Lord 1842.

[Signature of the Ras.] (L.S.) WALTER PLOWDEN.
[Seal of the Emperor.] [Seal of the Ras.]

CONVENTION between Great Britain and the Argentine Confederation, for the Settlement of existing Differences and the re-establishment of Friendship.—Signed at Buenos Ayres, November 24, 1849.

[Ratifications exchanged at Buenos Ayres, May 15, 1850.]

Convention for re-establishing the perfect Relations of Friendship between Her Britannic Majesty and the Argentine Confederation.

HER Majesty the Queen of Great Britain, and his Excellency the Governor and Captain-General of the Province of Buenos Ayres, charged with the foreign relations of the Argentine Confederation, being desirous of putting an end to the existing differences, and of restoring perfect relations of friendship, in accordance with the wishes manifested by both Governments; and the Government of Her Britannic Majesty having declared that it has no separate or interested

Convencion para restablecer las perfectas Relaciones de Amistad entre la Confederacion Argentina y Su Majestad Británica.

EL Excelentísimo Señor Gobernador y Capitan General de la Provincia de Buenos Ayres, encargado de las Relaciones Exteriores de la Confederacion Argentina, y Su Majestad la Reyna de la Gran Bretaña, deseando concluir las diferencias existentes, y restablecer las perfectas relaciones de amistad, en conformidad á los deseos manifestados por ambos Gobiernos; y habiendo declarado el de Su Majestad Británica no tener objetos algunos separados ó egoístas.

object in view, nor any other desire than to see securely established the peace and independence of the States of the River Plate, as recognized by Treaty; have named to that effect as their Plenipotentiaries, viz.:

Her Majesty the Queen of Great Britain, Henry Southern, Esquire, Her Majesty's Minister Plenipotentiary accredited to the Court of Buenos Ayres;

And his Excellency the Governor and Captain-General of the Province of Buenos Ayres, his Excellency the Minister for Foreign Affairs, Doctor Don Felipe Arana;

Who, after having communicated to each other their respective full powers, and found them in good and due form, have agreed as follows:

ART. I. The Government of Her Britannic Majesty, animated by the desire of putting an end to the differences which have interrupted the political and commercial relations between the 2 countries, having on the 15th of July, 1847, raised the blockade which it had established of the ports of the 2 Republics of the Plata, thereby giving a proof of its conciliatory sentiments, now hereby binds itself, in the same amicable spirit, definitively to evacuate the Island of Martin Garcia; to return the Argentine vessels of war which are in its possession, as far as possible in the same state as they were in when taken; and to salute the

en vista, ni ningun otro deseo que ver establecidas con seguridad la paz é independencia de los Estados del Rio de la Plata, tal como son reconocidos por Tratados; han nombrado al efecto por sus Plenipotenciarios, á saber:

Su Exelencia el Señor Gobernador y Capitan General de la Provincia de Buenos Ayres, al Ministro de Relaciones Exteriores, Camarista Doctor Don Felipe Arana;

Y Su Majestad la Reyna de la Gran Bretaña, al Exelentísimo Señor Ministro Plenipotenciario nombrado por Su Majestad cerca del Gobierno de la Confederacion, Caballero Don Henrique Southern;

Quienes, despues de haberse comunicado sus respectivos plenos poderes, y halláolos en buena y debida forma, han convenido lo que sigue:

ART. 1°. Habiendo el Gobierno de Su Majestad Británica, animado del deseo de poner fin á las diferencias que han interrumpido las relaciones políticas y comerciales entre los dos paises, levantado el dia quince de Julio de mil ochocientos cuarenta y siete, el bloqueo que habia establecido en los puertos de las dos Repúblicas del Plata, dando así una prueba de sus sentimientos conciliatorios, al presente se obliga, con el mismo espíritu amistoso, á evacuar definitivamente la Isla de Martin Garcia; á devolver los buques de guerra Argentinos que estan en su posesion, tanto como sea posible en el mismo estado en que fueron tomados; y á salutar

flag of the Argentine Confederation with 21 guns.

II. By both Contracting Parties shall be delivered to their respective owners, all the merchant-vessels, with their cargoes, taken by them during the blockade.

III. The auxiliary Argentine divisions existing in the Oriental State, shall return across the Uruguay when the French Government disarms the Foreign Legion and all other foreigners who may be under arms, and form the garrison of the town of Montevideo, evacuates the territory of the 2 Republics of the Plata, abandons its hostile position, and celebrates a Treaty of Peace. Her Britannic Majesty's Government, in the event of its being necessary, offers to use its good offices in bringing about these objects, with its ally the French Republic.

IV. Her Britannic Majesty's Government recognizes the navigation of the River Paraná to be an inland navigation of the Argentine Confederation, and subject solely to its laws and regulations, in the same manner as that of the River Uruguay in common with the Oriental State.

V. Her Britannic Majesty's Government having declared, "that it is freely acknowledged and admitted that the Argentine Republic is in the unquestioned enjoyment and exercise of every right, whether of peace or war, possessed by any independent

al Pavellon de la Confederacion Argentina con veinte y un tiros de cañon.

2°. Por las dos Partes Contratantes serán entregados á sus respectivos dueños todos los buques mercantes, con sus cargamentos, tomados durante el bloqueo.

3°. Las divisiones auxiliares Argentinas, existentes en el Estado Oriental, repasarán el Uruguay cuando el Gobierno Frances desarme á la Legion Estrangera, y á todos los demas extranjeros que se hallen con las armas, y formen la guarnicion de la ciudad de Montevideo, evacue el territorio de las dos Repúblicas del Plata, abandone su posicion hostil, y celebre un Tratado de Paz. El Gobierno de Su Majestad Británica, en caso necesario, se ofrece á emplear sus buenos oficios para conseguir estos objetos con su aliada la República Francesa.

4°. El Gobierno de Su Majestad Británica reconoce ser la navegacion del Rio Paraná una navegacion interior de la Confederacion Argentina, y sujeta solamente á sus leyes y reglamentos, lo mismo que la del Rio Uruguay en comun con el Estado Oriental.

5°. Habiendo declarado el Gobierno de Su Majestad Británica, "quedar libremente reconocido y admitido que la República Argentina se halla en el goce y ejercicio incuestionable de todo derecho, ora de paz ó guerra, poseido por cualquiera nacion independiente ;

nation; and that if the course of events in the Oriental Republic has made it necessary for the Allied Powers to interrupt for a time the exercise of the belligerent rights of the Argentine Republic, it is fully admitted that the principles on which they have acted, would, under similar circumstances, have been applicable either to Great Britain or France," it is hereby agreed that the Argentine Government, with regard to this declaration, reserves its right to discuss it opportunely with the Government of Great Britain, in that part which relates to the application of the principle.

VI. In virtue of the Argentine Government having declared that it would celebrate this Convention on condition that its ally, his Excellency the President of the Oriental Republic of Uruguay, Brigadier Don Manuel Oribe, should previously agree to it,—this being for the Argentine Government an indispensable condition in any arrangement of the existing differences,—it proceeded to solicit the assent of its said ally, and having obtained it, the present Convention is hereby agreed upon and concluded.

VII. Under this Convention perfect friendship between Her Britannic Majesty's Government and the Government of the Confederation, is restored to its former state of good understanding and cordiality.

VIII. This Convention shall be ratified by the Argentine Government within 15 days after the

y que si el curso de los sucesos en la República Oriental ha hecho necesario que las Potencias Aliadas interrumpan por cierto tiempo el ejercicio de los derechos beligerantes de la República Argentina, queda plenamente admitido que los principios bajo los cuales han obrado, en iguales circunstancias habrian sido aplicables, ya á la Gran Bretaña ó á la Francia," queda convenido que el Gobierno Argentino, en cuanto á esta declaracion, reserva su derecho para discutirlo oportunamente con el de la Gran Bretaña, en la parte relativa á la aplicacion del principio.

6°. A virtud de haber declarado el Gobierno Argentino que celebraria esta Convencion, siempre que su aliado el Exelentísimo Señor Presidente de la República Oriental del Uruguay, Brigadier Don Manuel Oribe, estuviese previamente conforme con ella,—siendo esto para el Gobierno Argentino una condicion indispensable en todo arreglo de las diferencias existentes,—procedió á solicitar el avenimiento de su referido aliado; y habiéndolo obtenido, se ajusta y concluye la presente.

7°. Mediante esta Convencion, queda restablecida la perfecta amistad entre el Gobierno de la Confederacion, y el de Su Majestad Británica, á su anterior estado de buena inteligencia y cordialidad.

8°. La presente Convencion será ratificada por el Gobierno Argentino á los quince dias despues de

ratification of Her Britannic Majesty's Government is presented, and the ratifications shall be exchanged.

IX. In witness whereof the Plenipotentiaries sign this Convention, and affix the seals of their arms thereto.

Done at Buenos Ayres on the 24th of November, in the year of our Lord, 1849.

(L.S.) HENRY SOUTHERN.

(L.S.) FELIPE ARANA.

presentada la ratificación del de Su Majestad Británica, y ambas se cangearán.

En testimonio de lo cual los Plenipotenciarios firman y sellan esta Convencion.

En Buenos Ayres, á 24 de Noviembre, del año del Señor, 1849.

(L.S.) FELIPE ARANA.

(L.S.) HENRY SOUTHERN.

ADDITIONAL CONVENTION between Great Britain and Belgium, reducing the Rates of Postage between the British Dominions and Belgium.—Signed at London, November 27, 1849.

[Ratifications exchanged at London, January 17, 1850.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, considering that in consequence of the postal reform adopted in Belgium, it has become necessary to modify the Convention of the 19th October, 1844, which regulated the relations between the Post Offices of the United Kingdom and of Belgium, and by mutual agreement to fix new conditions of exchange for the reciprocal transmission of correspondence, based upon an exact reciprocity of sacrifices and advantages for the 2 countries, have named as their Plenipotentiaries for this purpose, namely:

Her Majesty the Queen of the

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Belges, considérant que par suite de la réforme postale adoptée en Belgique, il est devenu nécessaire de modifier la Convention du 19 Octobre, 1844, qui a réglé les rapports entre les Offices des Postes du Royaume Uni et de Belgique, et d'arrêter de commun accord, pour la transmission réciproque des correspondances, de nouvelles conditions d'échange, basées sur une exacte réciprocité de sacrifices et d'avantages pour les 2 pays, ont nommé pour leurs Plénipotentiaires à cet effet, savoir :

Sa Majesté la Reine du Roy-

United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, Knight Grand Cross of the Most Honourable Order of the Bath, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Ulick John Marquis and Earl of Clanricarde, and Baron Dunkellin in Ireland, Baron Somerhill of the United Kingdom, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight of the Most Illustrious Order of St. Patrick, Lord-Lieutenant of the County of Galway, Vice-Admiral of the Coast of Connaught, Colonel of the Galway Militia, Her Britannic Majesty's Postmaster-General;

And His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, decorated with the Iron Cross, Commander of the Order of Leopold, Grand Cross of the Order of the Ernestine Branch of Saxony, of the Tower and Sword, of St. Maurice and St. Lazarus, Commander of the Legion of Honour, &c.;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

aume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Jean Vicomte Palmerston, Baron Temple, Pair d'Irlande, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Membre du Parlement, Chevalier Grand-Croix du Très Honorable Ordre du Bain, et Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères; et le Très Honorable Ulick Jean Marquis et Comte de Clanricarde, et Baron Dunkellin en Irlande, Baron Somerhill du Royaume Uni, Pair du Royaume Uni, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Chevalier de l'Ordre Très Illustre de St. Patrice, Lord-Lieutenant du Comté de Galway, Vice-Amiral de la Côte de Connaught, Colonel de la Milice de Galway, Maître-Général des Postes de Sa Majesté Britannique;

Et Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, décoré de la Croix de Fer, Commandeur de l'Ordre de Léopold, Grand-Croix de l'Ordre de la Branche Ernestine de Saxe, de la Tour et de l'Epée, de St. Maurice et St. Lazare, Commandeur de la Légion d'Honneur, &c.

Lesquels, après s'être réciproquement communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:

Postage of International Letters.

ART. I. Letters, either paid or unpaid, posted in any place in the Kingdom of Belgium, and addressed to any place in the United Kingdom of Great Britain and Ireland; and, reciprocally, letters either paid or unpaid, posted in any place in the United Kingdom and addressed to any place in Belgium, shall be charged in the 2 countries with an uniform postage of 6 pence, or décimes, per single letter, of which 4 pence, or décimes, shall be considered as representing the postage due to the British Office, and 2 pence, or décimes, the postage due to the Belgian Office.

The rate of 4 pence, or décimes, representing the British postage, shall be subject to the following scale of weight:

1. For every letter not exceeding half an ounce in weight, 1 single rate.
2. Above half an ounce, but not exceeding 1 ounce, 2 rates.
3. Above 1 ounce, but not exceeding 2 ounces, 4 rates.
4. Above 2 ounces, but not exceeding 3 ounces, 6 rates.
5. Above 3 ounces, but not exceeding 4 ounces, 8 rates.

And so on, 2 rates being added for every ounce or fraction of an ounce.

The rate of 2 pence, or décimes, representing the Belgian postage, shall be subject to the following scale of weight:

1. Under $7\frac{1}{2}$ grammes, 1 single rate.

Port des Lettres Internationales.

ART. I. Les lettres affranchies ou non-affranchies, nées dans un endroit quelconque du Royaume de Belgique, et destinées pour un endroit quelconque du Royaume Uni de la Grande Bretagne et d'Irlande; et, réciproquement, les lettres affranchies ou non-affranchies envoyées d'un endroit quelconque du Royaume Uni, et destinées pour un endroit quelconque de Belgique, seront frappées dans les 2 pays d'un port uniforme de 6 pence, ou décimes, par lettre simple, dont 4 pence, ou décimes, seront censés représenter la taxe due à l'Office Britannique, et 2 pence, ou décimes, celle due à l'Office de Belgique.

La taxe de 4 pence, ou décimes, représentant le port Britannique, sera soumise à la progression de poids ci-après:

1. Pour toute lettre dont le poids n'excède pas une demi-once, un port simple.
2. Au-dessus d'une demi-once et n'excédant pas 1 once, 2 ports.
3. Au-dessus d'1 once et n'excédant pas 2 onces, 4 ports.
4. Au-dessus de 2 onces et n'excédant pas 3 onces, 6 ports.
5. Au-dessus de 3 onces et n'excédant pas 4 onces, 8 ports.

Et ainsi de suite, en ajoutant 2 ports pour chaque once ou fraction d'once.

La taxe de 2d. ou décimes, représentant le port Belge, sera soumise à la progression de poids ci-après:

1. Au-dessous de $7\frac{1}{2}$ grammes, 1 fois le port.

2. From $7\frac{1}{2}$ grammes to 15 grammes exclusively, 2 rates.

3. From 15 grammes to $22\frac{1}{2}$ grammes exclusively, 3 rates.

And so on, 1 rate being added for every $7\frac{1}{2}$ grammes.

It is agreed that in as far as relates to the execution of this Convention, the British ounce shall be considered as equivalent to 30 grammes.

II. Patterns of goods shall be subject to letter rates of postage.

III. The British Post Office shall pay to the Post Office of Belgium for all unpaid letters posted in Belgium and addressed to the United Kingdom of Great Britain and Ireland, and those British colonies and possessions where the British Office maintains post offices, and also for all letters paid in the United Kingdom, and in the said British colonies and possessions, and addressed to Belgium, at the rate of 80 centimes for every 30 grammes, net weight.

The Belgian Post Office shall, on its part, pay to the British Post Office for all unpaid letters posted in the United Kingdom of Great Britain and Ireland, and addressed to Belgium, and also for letters paid in Belgium and addressed to the United Kingdom, at the rate of 8*d.* per ounce British, net weight.

2. De $7\frac{1}{2}$ grammes à 15 grammes exclusivement, 2 fois le port.

3. De 15 grammes à $22\frac{1}{2}$ grammes exclusivement, 3 fois le port.

Et ainsi de suite, en ajoutant de $7\frac{1}{2}$ grammes en $7\frac{1}{2}$ grammes, un port en sus.

Il est convenu que pour tout ce qui se rapporte à l'exécution de la Convention, l'once Britannique sera assimilée à 30 grammes.

II. Les échantillons de marchandises seront soumis à la taxe des lettres.

III. L'Office des Postes Britannique paiera à l'Office des Postes de Belgique pour les lettres non-affranchies originaires de Belgique et destinées pour le Royaume Uni de la Grande Bretagne et d'Irlande, et pour les colonies et possessions Anglaises où l'Office Britannique entretient des bureaux de poste, ainsi que pour les lettres affranchies dans le Royaume Uni et dans les dites colonies et possessions Anglaises à destination de la Belgique, la somme de 80 centimes par 30 grammes, poids net.

De son côté, l'Office des Postes de Belgique paiera à l'Office des Postes Britannique pour les lettres non-affranchies originaires du Royaume Uni de la Grande Bretagne et d'Irlande, et destinées pour la Belgique, ainsi que pour celles affranchies en Belgique et destinées pour le Royaume Uni, la somme de 8*d.* par once Britannique, poids net.

Transit of Foreign Correspondence.§ 1.—*Ordinary Transit Correspondence.*

IV. The Belgian Post Office shall continue to convey, without charge to the British Post Office, all letters which the said office shall transmit to it in ordinary mails, to be forwarded to other states of the continent, in transit through Belgium; and also all letters coming from the said states addressed to Great Britain, and sent in ordinary mails by the same route.

Such letters shall be forwarded by the British Office to the Belgian Office, and by the Belgian Office to the British Office, without any charge or expense. The Belgian Office, however, reserves to itself the right to levy upon the other offices concerned a transit rate, the amount of which shall not exceed 80 centimes for every 30 grammes, net weight.

V. The Belgian Post Office shall pay to the Post Office of the United Kingdom of Great Britain and Ireland, for paid letters posted in Belgium, or in those states of the continent the correspondence of which shall be transmitted through Belgium, and forwarded by way of the United Kingdom to colonies and countries beyond sea; and also for unpaid letters posted in colonies and countries beyond sea and forwarded by way of the United Kingdom to Belgium, and to those states of the continent the correspondence of which shall be transmitted through Belgium, namely:

Transit des Correspondances Etrangères.§ 1.—*Transit à Découvert.*

L'Office des Postes de Belgique continuera à transporter, sans frais pour l'Office Britannique, toutes les lettres que le dit office lui remettra à découvert pour être expédiées vers d'autres états du continent, en transit par la Belgique; ainsi que celles originaires des dits états et destinées pour la Grande Bretagne, qui seraient dirigées à découvert par la même voie.

Ces lettres seront transmises tant de la part de l'Office Britannique à celui de Belgique, que par ce dernier office à celui de la Grande Bretagne, sans aucune taxe ni débours. L'Office de Belgique se réserve toutefois la faculté de se faire payer, par les autres offices intéressés, un droit de transit dont le montant ne pourra excéder 80 centimes par 30 grammes, poids net.

V. L'Office des Postes de Belgique paiera à l'Office des Postes du Royaume Uni de la Grande Bretagne et d'Irlande, pour les correspondances affranchies originaires de Belgique ou des états du continent qui empruntent son intermédiaire, et expédiées par voie du Royaume Uni à destination des colonies et pays d'outremer; ainsi que pour les correspondances non-affranchies originaires des colonies et pays d'outremer, expédiées par voie du Royaume Uni, et destinées pour la Belgique ou pour les états du continent auxquels la Belgique sert d'intermédiaire, savoir:

1. 4*d.* per single letter for transit through the territory of the United Kingdom, when the letter shall be posted in or addressed to Belgium; and 8*d.* per single letter for letters posted in or addressed to those states of the continent, the correspondence of which shall be sent through Belgium.

2. The packet rate which the inhabitants of Great Britain have to pay on letters coming from, and addressed to, colonies and countries beyond sea.

The Post Office of the United Kingdom of Great Britain and Ireland shall, on its part, pay to the Post Office of Belgium, for postage of letters posted in the United Kingdom, and forwarded by way of Belgium to colonies and countries beyond sea, and of letters coming from colonies and countries beyond sea to the United Kingdom, by way of Belgium, namely:

1. 80 centimes for every 30 grammes, net weight, for transit through the Belgian territory.

2. 80 centimes for every 30 grammes, net weight, for sea conveyance; making in all 1 franc and 60 centimes for every 30 grammes, net weight.

§ 2.—*Transit in Closed Mails.*

VI. The Belgian Government engages to grant to the British Government the transit through its territory, in closed mails, of the correspondence from the United Kingdom, the British colonies and possessions, and other places where the British Office maintains post

1. Pour le transit sur le territoire du Royaume Uni 4*d.* par lettre simple, lorsque les lettres seront originaires ou à destination de la Belgique; et 8*d.* par lettre simple, lorsqu'elles seront originaires ou à destination des états du continent qui empruntent l'intermédiaire de la Belgique.

2. La taxe de voie de mer à payer par le public Anglais sur les lettres originaires et à destination des colonies et pays d'outremer.

De son Côté, l'Office des Postes du Royaume Uni de la Grande Bretagne et d'Irlande paiera à l'Office des Postes de Belgique, pour le port des correspondances originaires du Royaume Uni, expédiées par voie de Belgique, et destinées pour les colonies et pays d'outremer, ainsi que de celles originaires des colonies et pays d'outremer, et expédiées par voie de Belgique à destination du Royaume Uni, savoir:

1. 80 centimes par 30 grammes, poids net, pour le transit sur le territoire Belge.

2. 80 centimes par 30 grammes, poids net, pour la voie de mer; en tout 1 franc 60 centimes par 30 grammes, poids net.

§ 2.—*Transit en Dépêches Closes.*

VI. Le Gouvernement Belge prend l'engagement d'accorder au Gouvernement Britannique le transit en dépêches closes sur son territoire, des correspondances du Royaume Uni, des colonies et possessions Anglaises, et autres lieux où l'Office Britannique entretient

offices, to the various continental States, the correspondence of which shall be transmitted through Belgium; and also of the correspondence from those States to the United Kingdom, the British colonies and possessions, and other places where the British Office maintains post offices; at the rate of 80 centimes for every 30 grammes, net weight, for letters, and of 5 centimes for every newspaper or other printed paper.

VII. If the British Post Office should deem it advisable to transmit through Belgium closed mails containing the correspondence between the United Kingdom of Great Britain and Ireland, the British colonies and possessions, on the one hand, and, on the other, the East Indies and other Countries, the correspondence of which shall be transmitted by way of the East Indies, the Belgium Post Office shall convey the said correspondence through the Belgian territory, at the transit rates fixed by Article VI of the present Convention.

VIII. The Belgian Government further engages to convey, also in closed mails, at the rates respectively fixed on behalf of the Belgian Post Office by Article V of the present Convention, and by Article XXXIV of the Convention of the 19th October, 1844, letters, newspapers, and printed papers, between the United Kingdom, the British colonies and possessions, on the one hand, and, on the other, the several States of the 2 continents of America, the cor-
[1848—49.]

des bureaux de poste, pour les différents Etats du continent auxquels la Belgique sort d'intermédiaire: comme aussi des correspondances de ces Etats pour le Royaume Uni, les colonies et possessions Anglaises, et autres lieux où l'Office Britannique entretient des bureaux de poste; moyennant le prix de 80 centimes par 30 grammes, poids net, pour les lettres, et de 5 centimes par journal ou feuille d'imprimé.

VII. Dans le cas où l'Office des Postes Britannique jugerait convenable de faire passer par la Belgique les malles closes renfermant la correspondance entre le Royaume Uni de la Grande Bretagne et d'Irlande, les colonies et possessions Anglaises, d'une part, et d'autre part, les Indes Orientales et les autres pays auxquels les Indes Orientales servent d'intermédiaire, l'Office des Postes de Belgique se chargera d'effectuer le transport de ces correspondances sur le territoire Belge, moyennant les prix de transit fixés par l'Article VI de la présente Convention.

VIII. Le Gouvernement Belge s'engage en outre à transporter, aussi en dépêches closes, moyennant les prix respectivement fixés au profit de l'Office des Postes Belge par l'Article V de la présente Convention, et par l'Article XXXIV de la Convention du 19 Octobre, 1844, les lettres, journaux, et imprimés entre le Royaume Uni, les colonies et possessions Anglaises, d'une part, et d'autre part, les divers Etats des 2 continents d'Amérique qui se-

respondence of which may be forwarded at the expense of the Belgian Post Office, either by private ships, by Government vessels, or by vessels freighted by order of Government, despatched from, or bound to, the ports of Belgium.

IX. The British Government engages, on its part, to grant, at the rates respectively fixed on behalf of the British Post Office by Article V of the present Convention, and by Article XXXIV of the Convention of the 19th of October, 1844, for conveyance in ordinary mails, the transit in closed mails, of letters, newspapers, and printed papers, addressed from Belgium to the several States of America, or to other foreign countries, and also from those States and foreign countries to Belgium, which may be conveyed either by private ships, by Government vessels, or by vessels freighted by order of Government, despatched from or bound to the ports of the United Kingdom.

X. The British Post Offices of London and Dover shall be placed in communication with the Belgian travelling Post Office, established on the line of railway between Ghent and Mouscron, so as to effect the reciprocal transmission of the correspondence which the inhabitants of the 2 countries may wish to send by way of France.

The correspondence which shall be sent in closed mails by that way, shall be subject to the same rates, and shall be accounted for

ront desservis aux frais de l'Office des Postes de Belgique, soit par des bâtiments de commerce, soit par des bâtiments de l'Etat, ou frétés au compte de l'Etat expédiés ou à destination des ports de Belgique.

IX. Le Gouvernement Britannique promet de son côté d'accorder le transit, en dépêches closes, moyennant les prix respectivement fixés au profit de l'Office des Postes Britannique pour la transmission des correspondances à découvert, par l'Article V de la présente Convention, et par l'Article XXXIV de la Convention du 19 Octobre, 1844, des lettres, journaux, et imprimés, de la Belgique pour les différents Etats d'Amérique ou pour d'autres pays étrangers, comme aussi de ces Etats et pays étrangers, pour la Belgique, qui seront transportés, soit par des bâtiments de commerce, soit par des bâtiments de l'Etat, ou frétés pour le compte de l'Etat, expédiés ou à destination des ports du Royaume Uni.

X. Les Bureaux des Postes Britanniques de Londres et de Douvres seront mis en rapport avec le Bureau des Postes Belge établi sur la ligne du chemin de fer de Gand à Mouscron, pour la transmission réciproque des correspondances que le public des 2 pays voudrait diriger par la voie de France.

Les correspondances qui seront expédiées en dépêches closes par cette voie, subiront les mêmes taxes, et donneront lieu aux mêmes

in the same manner as the correspondence forwarded direct by way of Ostend.

The Post Office of Belgium shall pay the transit of 40 centimes for every 30 grammes, net weight, which will be due to the Post Office of France for the conveyance of the correspondence mentioned in the present Article, through the French territory; and the half of that rate shall be repaid by the British Post Office to the Post Office of Belgium.

XI. The provisions of former Conventions which have been concluded between the 2 High Contracting Parties, or between the Post Offices of the 2 countries, are maintained, in so far as they are not contrary to the stipulations of the present Convention.

XII. The present Convention, which shall be considered as additional to the Convention of the 19th of October, 1844, and which shall have the same duration as that Convention, shall be ratified, and the ratifications shall be exchanged as soon as possible.

It shall come into operation within a month, at the latest, after the exchange of the ratifications.

In witness whereof the respective Plenipotentiaries have signed the present Additional Convention, and have affixed thereto the seals of their arms.

Done at London, the 27th day of November, in the year of our Lord, 1849.

(L.S.) PALMERSTON.

(L.S.) CLANRICARDE.

(L.S.) SYLVAIN VAN DE
WEYER.

bonifications, que les correspondances acheminées directement par la voie d'Ostende.

L'Office des Postes de Belgique acquittera le prix de transit de 40 centimes par 30 grammes poids net, à payer à l'Office des Postes de France, pour le transport sur le territoire Français des correspondances mentionnées au présent Article; et la moitié de ce prix sera remboursée par l'Office des Postes Britannique à l'Office des Postes de Belgique.

XI. Sont maintenues les dispositions des Conventions antérieures qui ont été conclues entre les 2 Hautes Parties Contractantes, ou entre les Offices des Postes des 2 pays, en tant qu'elles ne seraient pas contraires aux stipulations et la présente Convention.

XII. La présente Convention, qui sera considérée comme additionnelle à la Convention du 19 Octobre, 1844, et qui aura la même durée que cette Convention, sera ratifiée, et les ratifications en seront échangées aussitôt que faire se pourra.

Ella sera mise à exécution un mois, au plus tard, après l'échange des ratifications.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention Additionnelle, et y ont apposé les cachets de leurs armes.

Fait à Londres, le 27 jour du mois de Novembre, l'an de grâce 1849.

(L.S.) PALMERSTON.

(L.S.) CLANRICARDE.

(L.S.) SYLVAIN VAN DE
WEYER.

TREATY of Friendship, Commerce, and Navigation, between Great Britain and Costarica.—Signed at San José, November 27, 1849.

[Ratifications exchanged at London, February 20, 1850.]

In the name of the Most Holy Trinity.

EXTENSIVE commercial intercourse having been established for some time between the territories, dominions, and settlements of Her Britannic Majesty and the Republic of Costarica, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between Her said Britannic Majesty and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a Treaty of Amity, Commerce, and Navigation;

For this purpose they have named their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Frederick Chatfield, Esq., Chargé d'Affaires of Her Britannic Majesty at Guatemala;

And his Excellency the President of the Republic of Costarica, Don Joaquin Bernardo Calvo, Minister of State and for Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

En el nombre de la Santísima Trinidad.

HABIENDOSE establecido, hace algun tiempo, un estenso trafico comercial entre la Republica de Costarica y los territorios, dominios, y establecimientos de Su Majestad Británica, ha sido conveniente para la seguridad como tambien para el fomento de sus mutuos intereses, y para la conservacion de la buena inteligencia entre la mencionada Republica y Su Majestad Británica, que las relaciones que ahora existen entre ambas sean reconocidas y confirmadas formalmente por medio de un Tratado de Amistad, Comercio, y Navegacion;

Con este objeto han sido nombrados los respectivos Plenipotenciarios, á saber:

Por Su Excelencia el Presidente de la Republica de Costarica, Señor Don Joaquin Bernardo Calvo, Ministro de Estado y de Negocios Extranjeros;

Y por Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, Federico Chatfield, Escudero, Encargado de Negocios de Su Majestad Británica, residente en Guatemala;

Quienes, despues de haberse comunicado mutuamente sus plenos poderes, y hallados en debida y regular forma, han acordado y concluido los Articulos siguientes:

ART. I. There shall be perpetual amity between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and her and their subjects, and the Government of the Republic of Costarica and its citizens.

II. There shall be between all the territories, dominions, and settlements of Her Britannic Majesty in Europe, and the territories of the Republic of Costarica, a reciprocal freedom of commerce. The subjects and citizens of the 2 countries, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers in the territories, dominions, and settlements aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the 2 countries, respectively.

In like manner, the respective ships of war and post office packets of the 2 countries shall have liberty freely and securely to come to all harbours, rivers, and places, to which other foreign ships of war and packets are or may be permitted to come; to enter into the same, to anchor,

ART I. Habrá una perpetua amistad entre el Gobierno de la Republica de Costarica y sus ciudadanos, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, sus herederos y sucesores, y sus subditos.

II. Habrá entre los territorios de la Republica de Costarica, y todos los territorios, dominios, y establecimientos de Su Majestad Británica en Europa, una reciproca libertad de comercio. Los ciudadanos y subditos de los dos paises, respectivamente, tendrán libertad para ir, libre y seguramente, con sus buques y cargamentos, á todos parages, puertos, y rios en los territorios, dominios, y establecimientos antedichos, á los cuales se permite ó se permitiere ir á otros estrangeros, entrar en los mismos, y permanecer y residir en cualquiera parte de ellos, respectivamente; tambien para alquilar y ocupar casas y almacenes para los objetos de su comercio; y generalmente, los comerciantes y traficantes de cada nacion, respectivamente, gozarán la mas completa proteccion y seguridad para su comercio; estando siempre sujetos á las leyes y estatutos de los dos paises, respectivamente.

Del mismo modo los respectivos buques de guerra y paquetes de correo de los dos paises tendrán libertad para llegar franca y seguramente á todos los puertos, rios, y lugares, á que se permite ó se permitiere llegar buques de guerra y paquetes de correo de otras naciones, entrar en los mis-

and to remain there and refit, subject always to the laws and statutes of the 2 countries, respectively.

By the right of entering the places, ports, and rivers mentioned in this Article, the privilege of carrying on the coasting trade is not understood, in which trade national vessels only are permitted to engage.

III. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages further, that the inhabitants of the Republic of Costarica shall have the like liberty of commerce and navigation stipulated for in the preceding Article, in all her territories, dominions, and settlements situated out of Europe, to the full extent to which the same is permitted at present, or shall be permitted hereafter, to any other nation.

IV. It being the intention of the 2 High Contracting Parties to bind themselves by the 2 preceding Articles to treat each other on the footing of the most favoured nation, it is hereby agreed between them, that any favour, privilege, or immunity whatever, in matters of commerce and navigation, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other High Contracting Party, gratuitously, if the concession in favour of that other nation shall have been gratuitous; or in return for a compensation as nearly as pos-

mos, anclar y permanecer en ellos, y repararse, sujetos siempre á las leyes y estatutos de los dos paises, respectivamente.

Por el derecho de entrar en parages, puertos, y rios de que se hace relacion en este Articulo, no está comprendido el privilegio del comercio de escala y cabotage, que unicamente será permitido a buques nacionales.

III. Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda se obliga ademas, á que los habitantes de la Republica de Costarica tengan la misma libertad de comercio y navegacion estipulada en el anterior Articulo, en todos sus territorios, dominios, y establecimientos situados fuera de Europa, en toda la extension que se permite ahora, ó se permitiere despues, á cualquiera otra nacion.

IV. Siendo la intencion de las 2 Altas Partes Contratantes el obligarse por los 2 Articulos precedentes á tratarse la una á la otra en los mismos terminos que á la nacion mas favorecida, por el presente convienen mutuamente, en que cualquier favor, privilegio, ó inmunidad, de cualquiera especie que fuere, que en materias de comercio y navegacion haya concedido actualmente, ó pueda en adelante conceder alguna de las Partes Contratantes á los subditos ó ciudadanos de otra nacion cualquiera, se hará extensivo á los subditos ó ciudadanos de la otra Alta Parte Contratante, gratuitamente, siempre que la concesion en favor de la otra nacion hubiere

sible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

V. No higher nor other duties shall be imposed on the importation into the territories, dominions, or settlements of Her Britannic Majesty of any article being of the growth, produce, or manufacture of the Republic of Costarica, and no higher or other duties shall be imposed on the importation into the territories of the Republic of Costarica of any articles being the growth, produce, or manufacture of the territories, dominions, and settlements of Her Britannic Majesty, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories, dominions, or settlements of either of the High Contracting Parties, on the exportation of any articles to the territories, dominions, or settlements of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles, the growth, produce, or manufacture of the territories, dominions, or settlements of Her Britannic Majesty, or of the Republic of Costarica, to or from the said territories, dominions, or

sido gratuita; pues siendo condicional, en tal caso por mutuo convenio se acordará una compensacion equivalente, cuanto sea posible y proporcionada así en el valor, como en los resultados.

V. No se impondrán otros ó mas altos derechos á la importacion en los territorios de la Republica de Costarica, de cualesquiera articulos del producto natural, producciones, ó manufacturas de los territorios, dominios, y establecimientos de Su Majestad Británica, ni se impondrán otros ó mas altos derechos á la importacion en los territorios, dominios, y establecimientos de Su Majestad Británica, de cualesquiera articulos del producto natural, producciones, ó manufacturas de la Republica de Costarica, que los que se pagan ó pagaren por semejantes articulos cuando sean producto natural, producciones, ó manufacturas de cualquier otro pais extranjero; ni se impondrán otros ó mas altos derechos ó impuestos en los territorios, dominios, ó establecimientos de cualquiera de las Altas Partes Contratantes á la exportacion de cualesquiera articulos para los territorios, dominios, ó establecimientos de la otra, que los que se pagan ó pagaren por la exportacion de iguales articulos para cualquier otro pais extranjero; ni se impondrá prohibicion alguna á la exportacion ó importacion de cualesquiera articulos del producto natural, producciones, ó manufacturas de los territorios de la Republica de Costarica, ó de

settlements of Her Britannic Majesty, or to or from the Republic of Costarica, which shall not equally extend to all other nations.

VI. No higher nor other duties or payments on account of tonnage, of light or harbour dues, of pilotage, of salvage in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Costarica on British vessels, than those payable in the same ports by Costarican vessels, nor in any of the territories, dominions, or settlements of Her Britannic Majesty on Costarican vessels, than shall be payable in the same ports on British vessels.

VII. The same duties shall be paid on the importation into the territories of the Republic of Costarica, of any article being of the growth, produce, or manufacture of the territories, dominions, or settlements of Her Britannic Majesty, whether such importation shall be made in Costarican or in British vessels; and the same duties shall be paid on the importation into the territories, dominions, or settlements of Her Britannic Majesty, of any article being the growth, produce, or manufacture of the Republic of

los territorios, dominios, ó establecimientos de Su Majestad Británica, para los dichos, ó de los dichos territorios de la Republica de Costarica, ó para los dichos, ó de los dichos territorios, dominios, y establecimientos de Su Majestad Británica, que no se extiendan igualmente á todas las otras naciones.

VI. No se impondrán otros ni mas altos derechos ni pagos por razon de toneladas, fanal, emolumentos de puerto, practico, derecho de salvamiento en caso de perdida ó naufragio, ni por razon de algunas otras cargas locales, en ninguno de los puertos de los territorios, dominios, ó establecimientos de Su Majestad Británica, á los buques Costaricenses, sinó los que unicamente pagan en los mismos los Británicos; ni en los puertos de la Republica de Costarica se impondrán á los buques Británicos, otras cargas que las que, en los mismos puertos, pagan los Costaricenses.

VII. Se pagarán los mismos derechos de importacion en los territorios, dominios, ó establecimientos de Su Majestad Británica, por los articulos de productos naturales, producciones, y manufacturas de la Republica de Costarica, bien sean importados en buques Británicos ó Costaricenses; y los mismos derechos se pagarán por la importacion en los territorios de la Republica de Costarica, de las manufacturas, efectos, y producciones de los territorios, dominios, ó establecimientos de Su

Costarica, whether such importation shall be made in British or in Costarican vessels.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Costarica of any articles being the growth, produce, or manufacture of the territories, dominions, or settlements of Her Britannic Majesty, whether such exportation shall be made in Costarican or in British vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, being the growth, produce, or manufacture of the Republic of Costarica, to the territories, dominions, or settlements of Her Britannic Majesty, whether such exportation shall be made in British or in Costarican vessels.

VIII. All merchants, commanders of ships, and others, the subjects of Her Britannic Majesty, shall have full liberty in all the territories of the Republic of Costarica, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Costaricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costarican citizens; and absolute freedom shall be allowed in all cases to the buyer

Majestad Británica, aunque su importacion sea en buques Costaricenses ó Británicos.

Los mismos derechos pagarán y gozarán las mismas franquicias y descuentos concedidos, á la exportacion para los territorios, dominios, ó establecimientos de Su Majestad Británica, de cualesquiera artículos de los productos naturales, producciones, ó manufacturas de la Republica de Costarica, ya sea que la exportacion se haga en buques Británicos ó Costaricenses; y pagarán los mismos derechos, y se concederán las mismas franquicias y descuentos, á la exportacion para la Republica de Costarica, de cualesquiera artículos de los productos naturales, producciones, ó manufacturas de los territorios, dominios, ó establecimientos de Su Majestad Británica, sea que esta exportacion se haga en buques Costaricenses ó Británicos.

VIII. Todo comerciante, comandante de buque, y otros ciudadanos de la Republica de Costarica, gozarán de libertad completa en todos los territorios, dominios, y establecimientos de Su Majestad Británica, para manejar por si sus propios negocios, ó para encargar su manejo á quien mejor les parezca, sea corredor, factor, agente, ó interprete; y no se les obligará á emplear para estos objetos á ninguna otra persona mas que las que se emplean por los Británicos, ni estarán obligados á pagarles mas salario ó remuneracion que la que en semejantes casos se paga por subditos Británicos; y se conce.

and seller to bargain and fix the price of any goods, wares, or merchandize imported into, or exported from, the Republic of Costarica, as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories, dominions, and settlements of Her Britannic Majesty, by the citizens of the Republic of Costarica, under the same conditions.

The subjects and citizens of the High Contracting Parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ in all causes the advocates, attorneys, or agents, of whatever description, whom they may think proper; and they shall enjoy in this respect the same rights and privileges therein as native subjects or citizens.

IX. In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandize, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice; the subjects and citizens of the 2 High Con-

derá libertad absoluta en todos los casos al comprador y vendedor para ajustar y fijar el precio de cualesquiera efectos, mercaderias, y generos importados ó exportados de la Republica de Costarica, como crean conveniente, conformandose con las leyes y costumbres establecidas en el pais. Los mismos privilegios disfrutarán en los territorios de la Republica de Costarica los subditos de Su Majestad Británica, y sujetos á las mismas condiciones.

Los ciudadanos y subditos de las Altas Partes Contratantes recibirán y gozarán recíprocamente de completa y perfecta proteccion en sus personas y propiedades, y tendrán libre y facil acceso á los tribunales de justicia en los referidos paises, respectivamente, para la prosecucion y defensa de sus justos derechos; y estarán en libertad de emplear en todos casos los abogados, procuradores, ó agentes de cualquier clase, que juzguen conveniente; y gozarán en este respecto los mismos derechos y privilegios que allí disfrutaren los ciudadanos ó subditos nativos.

IX. Por lo que toca á la policia de los puertos, á la carga y descarga de buques, la seguridad de las mercancías, bienes, y efectos, la sucesion de las propiedades personales por testamento, ó de otro modo, y al derecho de disponer de la propiedad personal, de cualquiera clase ó denominacion, por venta, donacion, permuta, testamento, ó de otro modo cualquiera, así como tambien á la administracion de justicia; los

tracting Parties shall reciprocally enjoy the same privileges, liberties, and rights, as native subjects or citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid, or may be paid, by native subjects or citizens; submitting, of course, to the local laws and regulations of each country, respectively.

If any subject or citizen of either of the 2 High Contracting Parties shall die without will or testament in any of the territories, dominions, or settlements of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased; giving proper notice of such nomination to the authorities of the country.

X. The subjects of Her Britannic Majesty residing in the Republic of Costarica, and the citizens of the Republic of Costarica residing in any of the territories, dominions, or settlements of Her Britannic Majesty, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions; and they shall

ciudadanos y subditos de las dos Altas Partes Contratantes gozarán reciprocamente los mismos privilegios, libertades, y derechos, que si fueran ciudadanos ó subditos nativos; y no se les cargará, en ninguno de estos puntos ó casos, mayores impuestos ó derechos que los que pagan, ó en adelante pagaren, los ciudadanos ó subditos nativos; sujetos por supuesto á las leyes y estatutos locales de cada pais, respectivamente.

En caso que muriere algun ciudadano ó subdito de cualquier de las dos Altas Partes Contratantes, sin haber hecho su ultima disposicion ó testamento, en cualquiera de los territorios, dominios, ó establecimientos de la otra, el Consul-General ó el Consul de la nacion á que pertenecia el difunto, ó en su ausencia, el que representare á dicho Consul-General ó Consul, tendrá el derecho de nombrar curadores, que se encarguen de la propiedad del difunto, en cuanto las leyes del pais lo permitieren, á beneficio de los legitimos herederos y acreedores del difunto; dando noticia conveniente á las autoridades del pais.

X. Los subditos de Su Majestad Británica residentes en la Republica de Costarica, y los ciudadanos de la Republica de Costarica residentes en cualquiera de los territorios, dominios, ó establecimientos de Su Majestad Británica, estarán exentos de todo servicio militar forzado de cualquier especie, de mar ó de tierra, y de todo prestamo forzoso, ó exacciones militares, ó requisi-

not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes, greater than those that are paid by native subjects or citizens of the Contracting Parties respectively.

XI. It shall be free for each of the 2 High Contracting Parties to appoint Consuls for the protection of trade, to reside in any of the territories, dominions, and settlements of the other Party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the High Contracting Parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Costarican Diplomatic Agents and Consuls shall enjoy in the territories, dominions, and settlements of Her Britannic Majesty, whatever privileges, exceptions, and immunities are or shall be granted to agents of the same rank belonging to the most favoured nation; and in like manner, the Diplomatic Agents and Consuls of Her Britannic Majesty in the Costarican territories shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the territories of the Republic of Costarica, to the Diplomatic Agents and Consuls of the most favoured nation.

ciones; ni serán compelidos á pagar, bajo ningun pretexto, cualesquiera cargos ordinarios, requisiciones, ó impuestos, mayores que los que paguen los subditos ó ciudadanos nativos de las Partes Contratantes, respectivamente.

XI. Cada una de las dos Altas Partes Contratantes podrá nombrar Consules para la proteccion del comercio, que residan en cualquiera de los territorios, dominios, y establecimientos de la otra Parte; pero antes que ningun Consul funcione como tal, deberá ser aprobado y admitido en la forma acostumbrada, por el Gobierno á quien se dirige; y cualquiera de las Altas Partes Contratantes puede exceptuar de la residencia de Consules aquellos puntos particulares en que no tengan por conveniente admitirlos. Los Agentes Diplomaticos y los Consules de la Republica de Costarica gozarán en los territorios, dominios, y establecimientos de Su Majestad Británica, de todos los privilegios, exenciones, é inmunidades concedidas, ó que se concedieren, á los agentes de igual rango de la nacion mas favorecida; y del mismo modo, los Agentes Diplomaticos y Consules de Su Majestad Británica en los territorios de la Republica de Costarica gozarán, conforme á la mas exacta reciprocidad, todos los privilegios, exenciones, é inmunidades que se conceden, ó en adelante se concedieren, á los Agentes Diplomaticos y Consules de la nacion mas favorecida, en los territorios de la Republica de Costarica.

XII. For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of Costarica, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the 2 High Contracting Parties, the subjects or citizens of either of the 2 High Contracting Parties who may be within any of the territories, dominions, or settlements of the other, shall, if residing upon the coasts, be allowed 6 months, and if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such subjects or citizens of either of the 2 High Contracting Parties who are established in any of the territories, dominions, and settlements of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and of continuing such trade and employment therein, without any manner of interruption, in the full enjoyment of their liberty and property, as long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like

XII. Para mayor seguridad de comercio entre los subditos de Su Majestad Británica y los ciudadanos de la Republica de Costarica, se estipula, que si en algun tiempo ocurriere desgraciadamente una interrupcion en las relaciones amistosas, y se efectuare un rompimiento entre las 2 Altas Partes Contratantes, se concederán á los subditos ó ciudadanos de cualquiera de las 2 Altas Partes Contratantes que estén dentro de los territorios, dominios, ó establecimientos de la otra, si residen en las costas, seis meses, y un año entero á los que residan en el interior, para arreglar sus negocios, y disponer de sus propiedades; y se les dará un salvo conducto para que se embarquen en el puerto que ellos elijieren; y aun en caso de un rompimiento, todos aquellos subditos ó ciudadanos de cualquiera de las 2 Altas Partes Contratantes que estén establecidos en cualquiera de los territorios, dominios, y establecimientos de la otra, en el ejercicio de algun trafico ú ocupacion especial, tendrán el privilegio de permanecer y continuar dicho trafico y ocupacion en el referido pais, sin que se les interrumpa en manera alguna, en el goze absoluto de su libertad y de sus bienes, mientras se conduzcan pacíficamente, y no cometan ofensa alguna contra las leyes; y sus bienes y efectos, de cualquiera clase que sean, bien que estén bajo su propia custodia ó confiados á individuos ó al Estado, no estarán sujetos á embargo ó secuestro, ni á ninguna carga ó

effects or property belonging to the native subjects or citizens of the country in which such subjects or citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

XIII. The subjects of Her Britannic Majesty, and the citizens of the Republic of Costarica, respectively, residing in any of the territories, dominions, or settlements of the other party, shall enjoy, in their houses, persons, and properties, the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses, or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories, dominions, and settlements of the 2 High Contracting Parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the subjects or citizens of either of the 2 High Contracting Parties who may die in the territories, dominions, or settlements aforesaid, in burial places of their own, which in the same manner may be freely established and maintained; nor shall the fune-

imposicion que la que se haga con respecto á los efectos ó bienes pertenecientes á los súbditos ó ciudadanos del pais en que dichos súbditos ó ciudadanos residan. De igual modo, ó en el mismo caso, ni las deudas entre particulares, ni los fondos publicos, ni las acciones de compañías, serán jamas confiscadas, secuestradas, ó detenidas.

XIII. Los ciudadanos de la Republica de Costarica, y los súbditos de Su Majestad Británica, que residan en cualquiera de los territorios, dominios, ó establecimientos de la otra parte, gozarán reciprocamente en sus casas, personas, y bienes, de la proteccion del Gobierno, y continuarán en posesion de las garantias que actualmente tienen. No serán inquietados, molestados, ni perturbados en manera alguna, en razon de su creencia religiosa, ni en los ejercicios propios de su religion, ya dentro de sus casas particulares, ó en los lugares del culto destinados para aquel objeto, conforme al sistema de tolerancia establecido en los territorios, dominios, y establecimientos de las 2 Altas Partes Contractantes; con tal que respeten la religion de la nacion en que residan, así como la constitucion, leyes, y costumbres establecidas. Tendrán tambien libertad de enterrar á los ciudadanos ó súbditos de cualquiera de las 2 Altas Partes Contratantes que murieren en los referidos territorios, dominios, ó establecimientos, en sus propios cementerios, que podrán del mismo modo libremente establecer y mantener; y no se molestarán los

rals or sepulchres of the dead be disturbed in any way or upon any account.

XIV. The Government of the Republic of Costarica, in order to co-operate with Her Britannic Majesty for the total abolition of the Slave Trade, engages to execute perfectly the laws of the said Republic, which prohibit in the most effectual manner all persons inhabiting within the territories of the Republic of Costarica, or in places subject to their jurisdiction, from taking any share in such trade.

XV. In order that the 2 High Contracting Parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective subjects and citizens, it is agreed that at any time after the expiration of 7 years from the date of the exchange of the ratifications of the present Treaty, either of the High Contracting Parties shall have the right of giving to the other party notice of its intention to terminate Articles V, VI, and VII of the present Treaty; and that at the expiration of 12 months after such notice shall have been received by either party from the other, the said Articles, and all the stipulations contained therein, shall cease to be binding on the 2 High Contracting Parties.

XVI. The present Treaty shall be ratified, and the ratifications shall be exchanged at London or

funerales ni los sepulcros de los muertos, de ningun modo, ni por motivo alguno.

XIV. El Gobierno de la Republica de Costarica, con el objeto de cooperar con Su Majestad Británica á fin de conseguir la abolición total del Trafico de Esclavos, se compromete á hacer siempre efectivas las leyes de la misma Republica, que prohiben del modo mas positivo á todas las personas que habiten dentro del territorio de la Republica de Costarica, ó sujetos á su jurisdiccion, tomar parte alguna en dicho trafico.

XV. Para que las 2 Altas Partes Contratantes tengan en lo futuro oportunidad de tratar y ajustar cualesquiera otros arreglos que tiendan aun mas eficazmente á estrechar las relaciones existentes, y al adelanto de los intereses de los respectivos subditos ó ciudadanos, se ha convenido que en cualquier tiempo, pasados 7 años desde la fecha en que se cangéen las ratificaciones del presente Tratado, cualquiera de las 2 Altas Partes Contratantes podrá poner en conocimiento de la otra parte sus intenciones de terminar los Articulos V, VI, y VII del presente Tratado; y que al espirar un año desde que una de las partes haya recibido de la otra dicha noticia, los espresados Articulos, y todo su contenido, dejarán de ser obligatorios á las 2 Altas Partes Contratantes.

XVI. El presente Tratado será ratificado, y las ratificaciones cambiadas en San José de Costarica ó

at San José de Costarica, within the space of 8 months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at San José, this 27th day of November, in the year of our Lord, 1849.

(L.S.) FREDK. CHATFIELD.

(L.S.) JQ. BERN^{DO}. CALVO.

en Londres, en el termino de 8 meses, ó antes si posible fuese.

En fé de lo cual los respectivos Plenipotenciarios han firmado el presente, sellandolo con sus sellos respectivos.

Fecho en la Ciudad de San José, á los 27 dias del mes de Noviembre, del año del Señor, 1849.

(L.S.) JQ. BERN^{DO}. CALVO.

(L.S.) FREDK. CHATFIELD.

TREATY of Friendship, Commerce, and Navigation, between Great Britain and Guatemala.—Signed at Guatemala, February 20, 1849.

[Ratifications exchanged at London, June 16, 1849.]

In the name of the Most Holy Trinity.

EXTENSIVE commercial intercourse having been established for some time between the territories, dominions, and settlements of Her Britannic Majesty and the Republic of Guatemala, it seems good, for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between Her said Britannic Majesty and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a Treaty of Amity, Commerce, and Navigation;

For this purpose they have named their respective Plenipotentiaries, that is to say:

En el nombre de la Santisima Trinidad.

HABIENDOSE establecido, hace algun tiempo, un estenso trafico comercial entre la Republica de Guatemala y los territorios, dominios, y establecimientos de Su Majestad Britanica, ha sido conveniente para la seguridad como tambien para el fomento de sus mutuos intereses, y para la conservacion de la buena inteligencia entre la mencionada Republica y Su Majestad Britanica, que las relaciones que ahora existen entre ambas, sean reconocidas y confirmadas formalmente por medio de un Tratado de Amistad, Comercio y Navegacion;

Con este objeto han sido nombrados los respectivos Plenipotenciarios, á saber:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Frederick Chatfield, Esq., Her Britannic Majesty's Consul-General in Central America;

And his Excellency the President of the Republic of Guatemala, the Licentiate Don José Mariano Rodríguez, Secretary of State and for Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

ART. I. There shall be perpetual amity between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and her and their subjects, and the Government of the Republic of Guatemala and its citizens.

II. There shall be between all the territories, dominions, and settlements of Her Britannic Majesty in Europe, and the territories of the Republic of Guatemala, a reciprocal freedom of commerce. The subjects and citizens of the 2 countries, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers in the territories, dominions, and settlements aforesaid, to which other foreigners are or may be permitted to come; to enter into the same; and to remain and reside in any part thereof, respectively; also to hire and occupy houses and ware-

[1848—49.]

Por Su Excelencia el Presidente de la Republica de Guatemala, el Señor Licenciado Don José Mariano Rodríguez, Secretario de Estado y de Relaciones Exteriores;

Y por Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, Frederico Chatfield, Escudero, y Consul-General de Su Majestad Britanica in Centro-America;

Quienes, despues de haberse comunicado mutuamente sus plenos poderes, y hallados en debida y regular forma, han convenido y concluido los Articulos siguientes:

ART. I. Habrá una perpetua amistad entre el Gobierno de la Republica de Guatemala y sus ciudadanos, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, sus herederos y sucesores, y sus subditos.

II. Habrá entre los territorios de la Republica de Guatemala, y todos los territorios, dominios, y establecimientos de Su Majestad Britanica en Europa, una reciproca libertad de comercio. Los ciudadanos y subditos de los dos paises, respectivamente, tendrán libertad para ir, libre y seguramente, con sus buques y cargamentos, á todos parages, puertos, y rios en los territorios, dominios, y establecimientos antedichos, á los cuales se permite ó se permitiere ir á otros extranjeros, entrar en los mismos, y permanecer y residir en cualquiera parte de ellos, respectivamente; tambien para alquilar y ocupar

houses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the 2 countries, respectively.

In like manner, the respective ships of war and post office packets of the 2 countries shall have liberty freely and securely to come to all harbours, rivers, and places, to which other foreign ships of war and packets are or may be permitted to come; to enter into the same, to anchor, and to remain there and refit, subject always to the laws and statutes of the 2 countries, respectively.

By the right of entering the places, ports, and rivers mentioned in this Article, the privilege of carrying on the coasting trade is not understood, in which trade national vessels only are permitted to engage.

III. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages further, that the inhabitants of the Republic of Guatemala shall have the like liberty of commerce and navigation stipulated for in the preceding Article, in all her territories, dominions, and settlements situated out of Europe, to the full extent to which the same is permitted at present, or shall be permitted hereafter, to any other nation.

IV. It being the intention of the 2 High Contracting Parties

casas y almacenes para los objetos de su comercio; y generalmente, los comerciantes y traficantes de cada nacion, respectivamente, gozarán la mas completa proteccion y seguridad para su comercio; estando siempre sujetos á las leyes y estatutos de los dos paises, respectivamente.

Del mismo modo los respectivos buques de guerra y paquetes de correo de los dos paises tendrán libertad para llegar franca y seguramente á todos los puertos, rios, y lugares, á que se permite ó se permitiere llegar buques de guerra y paquetes de correo de otras naciones, entrar en los mismos, anclar y permanecer en ellos, y repararse, sujetos siempre á las leyes y estatutos de los dos paises, respectivamente.

Por el derecho de entrar en parages, puertos, y rios de que se hace relacion en este Articulo, no está comprendido el privilegio del comercio de escala y cabotage, que unicamente será permitido á buques nacionales.

III. Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda se obliga además, á que los habitantes de la Republica de Guatemala tengan la misma libertad de comercio y navegacion estipulada en el anterior Articulo, en todos sus territorios, dominios, y establecimientos situados fuera de Europa, en toda la extencion que se permite ahora, ó se permitiere despues á cualquiera otra nacion.

IV. Siendo la intencion de las 2 Altas Partes Contratantes el

to bind themselves by the 2 preceding Articles to treat each other on the footing of the most favoured nation, it is hereby agreed between them, that any favour, privilege, or immunity whatever in matters of commerce and navigation, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other High Contracting Party, gratuitously, if the concession in favour of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

V. No higher nor other duties shall be imposed on the importation into the territories, dominions, or settlements of Her Britannic Majesty of any article being the growth, produce, or manufacture of the Republic of Guatemala, and no higher or other duties shall be imposed on the importation into the territories of the Republic of Guatemala of any articles being the growth, produce, or manufacture of the territories, dominions, or settlements of Her Britannic Majesty, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the terri-

obligarse por los dos Articulos precedentes á tratarse la una á la otra en los mismos terminos que á la nacion mas favorecida, por el presente convienen mutuamente, en que cualquier favor, privilegio, ó inmunidad, de cualquiera especie que fuere, que en materias de comercio y navegacion haya concedido actualmente, ó pueda en adelante conceder alguna de las Partes Contratantes á los subditos ó ciudadanos de otra nacion cualquiera, se hará extensivo á los subditos ó ciudadanos de la otra Alta Parte Contratante, gratuitamente, siempre que la concesion en favor de la otra nacion hubiere sido gratuita; pues siendo condicional, en tal caso por mutuo convenio se acordará una compensacion equivalente, cuanto sea posible, y proporcionada así en el valor, como en los resultados.

V. No se impondrán otros ó mas altos derechos á la importacion en los territorios de la Republica de Guatemala, de cualesquiera articulos del producto natural, producciones, ó manufacturas de los territorios, dominios, y establecimientos de Su Majestad Britanica, ni se impondrán otros ó mas altos derechos a la importacion en los territorios, dominios, y establecimientos de Su Majestad Britanica, de cualesquiera articulos del producto natural, producciones, ó manufacturas de la Republica de Guatemala, que los que se pagan ó pagaren por semejantes articulos, cuando sean producto natural, producciones, ó manufacturas de cualquier otro pais extranjero; ni

tories, dominions, or settlements of either of the High Contracting Parties, on the exportation of any articles to the territories, dominions, or settlements of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles, the growth, produce, or manufacture of the territories, dominions, or settlements of Her Britannic Majesty, or of the Republic of Guatemala, to or from the said territories, dominions, or settlements of Her Britannic Majesty, or to or from the Republic of Guatemala, which shall not equally extend to all other nations.

VI. No higher nor other duties or payments on account of tonnage, of light or harbour dues, of pilotage, of salvage in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Guatemala on British vessels, than those payable in the same ports by Guatemalan vessels, nor in any of the territories, dominions, or settlements of Her Britannic Majesty on Guatemalan vessels, than shall be payable in the same ports on British vessels.

se impondrán otros ó mas altos derechos ó impuestos en los territorios, dominios, ó establecimientos de cualquiera de las Altas Partes Contratantes á la exportacion de cualesquiera articulos para los territorios, dominios, ó establecimientos de la otra, que los que se pagan ó pagaren por la exportacion de iguales articulos para cualquier otro pais extranjero; ni se impondrá prohibición alguna á la exportacion ó importacion de cualesquiera articulos del producto natural, producciones, ó manufacturas de los territorios de la Republica de Guatemala, ó de los territorios, dominios, ó establecimientos de Su Majestad Britanica, para los dichos, ó de los dichos territorios de la Republica de Guatemala, ó para los dichos, ó de los dichos territorios, dominios, y establecimientos de Su Majestad Britanica, que no se estiendan igualmente á todas las otras naciones.

VI. No se impondrán otros ni mas altos derechos ni pagos por razon de toneladas, fanal, emolumentos de puerto, practico, derecho de salvamento en caso de perdida ó naufragio, ni por razon de algunas otras cargas locales, en ninguno de los puertos de los territorios, dominios, ó establecimientos de Su Majestad Britanica, á los buques Guatemaltecos, sinó los que unicamente pagan en los mismos los Britanicos; ni en los puertos de la Republica de Guatemala se impondrán á los buques Britanicos, otras cargas que las que, en los mismos puertos, pagan los Guatemaltecos.

VII. The same duties shall be paid on the importation into the territories of the Republic of Guatemala, of any article being of the growth, produce, or manufacture of the territories, dominions, or settlements of Her Britannic Majesty, whether such importation shall be made in Guatemalan or in British vessels; and the same duties shall be paid on the importation into the territories, dominions, or settlements of Her Britannic Majesty, of any article, being the growth, produce, or manufacture of the Republic of Guatemala, whether such importation shall be made in British or in Guatemalan vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Guatemala, of any articles being the growth, produce, or manufacture of the territories, dominions, or settlements of Her Britannic Majesty, whether such exportation shall be made in Guatemalan or in British vessels; and the same duties shall be paid and the same bounties and drawbacks allowed on the exportation of any articles, being the growth, produce, or manufacture of the Republic of Guatemala, to the territories, dominions, or settlements of Her Britannic Majesty, whether such exportation shall be made in British or in Guatemalan vessels.

VIII. All merchants, commanders of ships, and others, the subjects of Her Britannic Majesty,

VII. Se pagarán los mismos derechos de importacion en los territorios, dominios, ó establecimientos de Su Majestad Britanica, por los articulos de productos naturales, producciones, y manufacturas de la Republica de Guatemala, bien sean importados en buques Britanicos ó Guatemaltecos; y los mismos derechos se pagarán por la importacion en los territorios de la Republica de Guatemala, de las manufacturas, efectos, y producciones de los territorios, dominios, ó establecimientos de Su Majestad Britanica, aunque su importacion sea en buques Guatemaltecos ó Britanicos. Los mismos derechos pagarán, y gozarán las mismas franquicias y descuentos concedidos, á la exportacion para los territorios, dominios, ó establecimientos de Su Majestad Britanica, de cualesquiera articulos de los productos naturales, producciones, ó manufacturas de la Republica de Guatemala, ya sea que la exportacion se haga en buques Britanicos ó en Guatemaltecos; y pagarán los mismos derechos, y se concederán las mismas franquicias y descuentos, á la exportacion para la Republica de Guatemala, de cualesquiera articulos de los productos naturales, producciones, ó manufacturas de los territorios, dominios, ó establecimientos de Su Majestad Britanica, sea que esta exportacion se haga en buques Guatemaltecos ó Britanicos.

VIII. Todo comerciante, comandante de buque, y otros ciudadanos de la Republica de

shall have full liberty in all the territories of the Republic of Guatemala, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Guatemalans, nor to pay them any other salary or remuneration than such as is paid in like cases by Guatemalan citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandize imported into, or exported from, the Republic of Guatemala, as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories, dominions, and settlements of Her Britannic Majesty, by the citizens of the Republic of Guatemala, under the same condition.

The subjects and citizens of the High Contracting Parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ in all causes the advocates, attorneys, or agents, of whatever description, whom they

Guatemala, gozarán de libertad completa en todos los territorios, dominios, y establecimientos de Su Majestad Britanica, para manejar por si sus propios negocios, ó para encargar su manejo á quien mejor les parezca, sea corredor, factor, agente, ó interprete; y no se les obligará á emplear para estos objetos á ninguna otra persona mas que las que se emplean por los Britanicos, ni estarán obligados á pagarles mas salario ó remuneracion que la que en semejantes casos se paga por subditos Britanicos; y se concederá libertad absoluta en todos los casos al comprador y vendedor para ajustar y fijar el precio cualesquiera efectos, mercaderias, y generos importados ó exportados de la Republica de Guatemala, como crean conveniente, conformandose con las leyes y costumbres establecidas en el pais. Los mismos privilegios disfrutará en los territorios de la Republica de Guatemala los subditos de Su Majestad Britanica, y sujetos á las mismas condiciones.

Los ciudadanos y subditos de las Altas Partes Contratantes recibirán y gozarán reciprocamente de completa y perfecta proteccion en sus personas y propiedades, y tendrán libre y facil acceso á los tribunales de justicia en los referidos paises, respectivamente, para la prosecucion y defensa de sus justos derechos; y estarán en libertad de emplear en todos casos los abogados, procuradores, ó agentes de cualquier clase que

may think proper, and they shall enjoy in this respect the same rights and privileges therein as native subjects or citizens.

IX. In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandize, goods, and effects, the succession to personal estates by will or otherwise; and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice; the subjects and citizens of the 2 High Contracting Parties shall reciprocally enjoy the same privileges, liberties, and rights, as native subjects or citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid, or may be paid, by native subjects or citizens, submitting of course to the local laws and regulations of each country, respectively.

If any subject or citizen of either of the 2 High Contracting Parties shall die without will or testament in any of the territories, dominions, or settlements, of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as

juzguen conveniente, y gozarán en este respecto, los mismos derechos y privilegios que allí disfrutaren los ciudadanos ó subditos nativos.

IX. Por lo que toca á la policia de los puertos, á la carga y descarga de buques, la seguridad de las mercancías, bienes, y efectos, la sucesion de las propiedades personales por testamento, ó de otro modo, y al derecho de disponer de la propiedad personal, de cualquiera clase ó denominacion, por venta, donacion, permuta, testamento, ó de otro modo cualquiera, así como tambien á la administracion de justicia; los ciudadanos y subditos de las 2 Altas Partes Contratantes gozarán reciprocamente los mismos privilegios, libertades, y derechos, que si fueran ciudadanos ó subditos nativos; y no se les cargará, en ninguno de estos puntos ó casos, mayores impuestos ó derechos que los que pagan ó en adelante pagaren los ciudadanos ó subditos nativos, sujetos por supuesto á las leyes y estatutos locales de cada pais, respectivamente.

En caso que muriere algun ciudadano ó subdito de cualquiera de las Altas Partes Contratantes, sin haber hecho su ultima disposicion ó testamento, en cualquiera de los territorios, dominios, ó establecimientos de la otra, el Consul-General ó el Consul de la nacion á que pertenecia el difunto, ó en su ausencia, el que representare á dicho Consul-General ó Consul, tendrá el derecho de nombrar curadores, que se encar-

the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased; giving proper notice of such nomination to the authorities of the country.

X. The subjects of Her Britannic Majesty residing in the Republic of Guatemala, and the citizens of the Republic of Guatemala residing in any of the territories, dominions, or settlements of Her Britannic Majesty, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay any other ordinary charges, requisitions, or taxes, greater than those that are paid by native subjects or citizens of the Contracting Parties, respectively.

XI. It shall be free for each of the 2 High Contracting Parties to appoint Consuls for the protection of trade, to reside in any of the territories, dominions, and settlements of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the High Contracting Parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Guatemalan Diplomatic Agents and Consuls shall enjoy in the territories, dominions, and settlements

guen de la propiedad del difunto, en cuanto las leyes del país lo permitieren, á beneficio de los legítimos herederos y acreedores del difunto; dando noticia conveniente á las autoridades del país.

X. Los subditos de Su Majestad Británica residentes en la República de Guatemala, y los ciudadanos de la República de Guatemala residentes en cualquiera de los territorios, dominios, ó establecimientos de Su Majestad Británica, estarán exentos de todo servicio militar forzoso de cualquier especie, de mar ó de tierra, y de todo prestamo forzoso, ó exacciones militares, ó requisiciones; ni serán compelidos á pagar, bajo ningun pretexto, cualesquiera cargos ordinarios, requisiciones, ó impuestos, mayores que los que paguen los subditos ó ciudadanos nativos de las Partes Contratantes respectivamente.

XI. Cada una de las Altas Partes Contratantes podrá nombrar Consules para la proteccion del comercio, que residan en cualquiera de los territorios, dominios, y establecimientos de la otra parte; pero antes que ningun Consul funcione como tal, deberá ser aprobado y admitido en la forma acostumbrada, por el Gobierno á quien se dirige; y cualquiera de las Altas Partes Contratantes puede exceptuar de la residencia de Consules aquellos puntos particulares en que no tengan por conveniente admitirlos. Los Agentes Diplomaticos y los Consules de la República de

of Her Britannic Majesty, whatever privileges, exceptions, and immunities are or shall be granted to the agents of the same rank belonging to the most favoured nation; and, in like manner, the Diplomatic Agents and Consuls of Her Britannic Majesty in the Guatemalan territories shall enjoy according to the strictest reciprocity, whatever privileges, exceptions, and immunities are or may be granted in the territories of the Republic of Guatemala, to the Diplomatic Agents and Consuls of the most favoured nation.

XII. For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of Guatemala, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the 2 High Contracting Parties, the subjects or citizens of either of the 2 High Contracting Parties who may be within any of the territories, dominions, or settlements of the other, shall, if residing upon the coasts, be allowed six months, and, if residing in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe-conduct shall be given to them to embark at the port which they themselves shall select; and even in the event of a rupture, all such subjects or citizens of either of the 2 High

Guatemala gozarán en los territorios, dominios, y establecimientos de Su Majestad Britanica, de todos los privilegios, exenciones, é inmunidades concedidas, ó que se concedieren, á los agentes de igual rango de la nacion mas favorecida; y del mismo modo, los Agentes Diplomaticos y Consules de Su Majestad Britanica, en los territorios de la Republica de Guatemala gozarán, conforme á la mas exacta reciprocidad, todos los privilegios, exenciones, é inmunidades que se conceden ó en adelante se concedieren, á los Agentes Diplomaticos y Consules de la nacion mas favorecida, en los territorios de la Republica de Guatemala.

XII. Para mayor seguridad del comercio entre los subditos de Su Majestad Britanica y los ciudadanos de la Republica de Guatemala, se estipula, que si en algun tiempo ocurriere desgraciadamente una interrupcion en las relaciones amistosas, y se efectuare un rompimiento entre las 2 Altas Partes Contratantes, se concederán á los subditos ó ciudadanos de cualquiera de las 2 Altas Partes Contratantes que estén dentro de los territorios, dominios, ó establecimientos de la otra, si residen en las costas, seis meses, y un año entero á los que residan en el interior, para arreglar sus negocios, y disponer de sus propiedades; y se les dará un salvo conducto para que se embarquen en el puerto que ellos elijieren; y aun en caso de un rompimiento, todos aquellos subditos ó ciudadanos de cual-

Contracting Parties who are established in any of the territories, dominions, and settlements of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and of continuing such trade and employment therein, without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects or citizens of the country in which such subjects or citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

XIII. The subjects of Her Britannic Majesty, and the citizens of the Republic of Guatemala, respectively, residing in any of the territories, dominions, or settlements of the other Party, shall enjoy, in their houses, persons, and properties, the protection of the Government, and shall continue in possession of the guarantees which they now enjoy; they shall not be disturbed, molested, or annoyed in

quiera de las 2 Altas Partes Contratantes que estén establecidos en cualquiera de los territorios, dominios, y establecimientos de la otra, en el ejercicio de algun trafico ú ocupacion especial, tendrán el privilegio de permanecer y continuar dicho trafico y ocupacion en el referido pais, sin que se les interrumpa en manera alguna, en el goze absoluto de su libertad y de sus bienes, mientras se conduzcan pacíficamente, y no cometan ofensa alguna contra las leyes; y sus bienes y efectos, de cualquiera clase que sean, bien que estén bajo su propia custodia, ó confiados á individuos ó al Estado, no estarán sujetos á embargo ó secuestro, ni á ninguna carga ó imposicion que la que se haga con respecto á los efectos ó bienes pertenecientes á los subditos ó ciudadanos del pais en que dichos subditos ó ciudadanos residan. De igual modo, ó en el mismo caso, ni las deudas entre particulares, ni los fondos publicos, ni las acciones de compañías, serán jamas confiscadas, secuestradas, ó detenidas.

XIII. Los ciudadanos de la Republica de Guatemala, y los subditos de Su Majestad Britanica, que residan en cualquier de los territorios, dominios, ó establecimientos de la otra Parte, gozarán reciprocamente en sus casas, personas, y bienes, de la proteccion del Gobierno, y continuarán en posesion de las garantias que actualmente tienen: no serán inquietados, molestados, ni perturbados en manera alguna, en

any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses, or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories, dominions, and settlements of the 2 High Contracting Parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the subjects or citizens of either of the 2 High Contracting Parties who may die in the territories, dominions, or settlements aforesaid, in burial places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

XIV. The Government of the Republic of Guatemala, in order to co-operate with Her Britannic Majesty for the total abolition of the Slave Trade, engages to execute perfectly the laws of the said Republic, which prohibit in the most effectual manner all persons inhabiting within the territories of the Republic of Guatemala, or in places subject to their jurisdiction, from taking any share in such trade.

XV. In order that the 2 High Contracting Parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still

razon de su creencia religiosa, ni en los ejercicios propios de su religion, ya dentro de sus casas particulares, ó en los lugares del culto destinados para aquel objeto, conforme al sistema de tolerancia establecido en los territorios, dominios, y establecimientos de las 2 Altas Partes Contratantes; con tal que respeten la religion de la nacion en que residan, asi como la constitucion, leyes, y costumbres establecidas. Tendrán tambien libertad de enterrar á los ciudadanos ó subditos de cualquiera de las 2 Altas Partes Contratantes que murieren en los referidos territorios, dominios, ó establecimientos, en sus propios cementerios, que podrán del mismo modo libremente establecer y mantener; y no se molestarán los funerales ni los sepulcros de los muertos, de ningun modo, ni por motivo alguno.

XIV. El Gobierno de la Republica de Guatemala, con el objeto de cooperar con Su Majestad Britanica á fin de conseguir la abolicion total del Trafico de Esclavos, se compromete á hacer siempre efectivas las leyes de la misma Republica, que prohiben del modo mas positivo á todas las personas que habiten dentro del territorio de la Republica de Guatemala, ó sujetos á su jurisdiccion, tomar parte alguna en dicho trafico.

XV. Para que las 2 Altas Partes Contratantes tengan en lo futuro oportunidad de tratar y ajustar cualesquiera otros arreglos que tiendan aun mas eficazmente

further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective subjects and citizens, it is agreed that at any time after the expiration of 7 years from the date of the exchange of the ratifications of the present Treaty, either of the High Contracting Parties shall have the right of giving to the other Party notice of its intention to terminate Articles V, VI, and VII of the present Treaty; and that at the expiration of 12 months after such notice shall have been received by either Party from the other, the said Articles, and all the stipulations contained therein, shall cease to be binding on the 2 High Contracting Parties.

XVI. The present Treaty shall be ratified, and the ratifications shall be exchanged at London or at Guatemala within the space of 8 months, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Guatemala, the 20th day of February, in the year of our Lord 1849.

(L.S.) FREDK. CHATFIELD.

(L.S.) J. MARIANO ROD-
RIGUEZ.

ADDITIONAL ARTICLE.

Whereas according to the laws of Great Britain, it is necessary that a ship must have been actually built in the Republic of Guatemala, in order to be considered a Guatemalan ship; and whereas in the present state of

á estrechar las relaciones existentes, y al adelanto de los intereses de los respectivos subditos ó ciudadanos, se ha convenido que en cualquier tiempo, pasados 7 años desde la fecha en que se cangéen las ratificaciones del presente Tratado, cualquiera de las 2 Altas Partes Contratantes podrá poner en conocimiento de la otra Parte sus intenciones de terminar los Artículos V, VI, y VII del presente Tratado; y que al espirar un año desde que una de las Partes haya recibido de la otra dicha noticia, los espresados Artículos, y todo su contenido, dejarán de ser obligatorios á las 2 Altas Partes Contratantes.

XVI. El presente Tratado será ratificado, y las ratificaciones cambiadas en Guatemala ó en Londres en el termino de 8 meses, ó antes si posible fuere.

En fé de lo cual los respectivos Plenipotenciarios han firmado el presente, sellandolo con sus sellos respectivos.

Fecho en la Ciudad de Guatemala, á los 20 dias del mes de Febrero, del año del Señor 1849.

(L.S.) J. MARIANO ROD-
RIGUEZ.

(L.S.) FREDK. CHATFIELD.

ARTICULO ADICIONAL.

Por cuanto, segun las leyes de la Gran Bretaña, para que un buque fuese considerado como de Guatemala, seria preciso que hubiera sido realmente construido en los territorios de la Republica de Guatemala; y en el actual

Guatemalan shipping, it would not be possible for the Republic to receive the full advantage of the reciprocity established by the stipulations of the Treaty of this date, if that condition of the British law were immediately enforced, it is hereby agreed, that for the space of 7 years, to be reckoned from the date of the exchange of the ratifications of the said Treaty, any ships, where-soever built, shall be considered as Guatemalan ships, provided they are *bond fide* the property of, and wholly owned by, one or more citizens of the Republic of Guatemala; and provided that the master and three-fourths at least of the mariners are also natural born citizens of the Republic, or persons domiciliated in the Republic by act of the Government thereof as lawful citizens of the Republic; such act to be certified according to the laws of the Republic.

The present Additional Article shall have the same force and validity as if it were inserted word for word in the Treaty signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Guatemala, this 20th day of February, in the year of our Lord 1849.

(L.S.) FREDK. CHATFIELD.

(L.S.) J. MARIANO ROD-
RIGUEZ.

estado de su marina no podria dicha Republica recibir todo el beneficio de la reciprocidad establecida por el Tratado de esta fecha, si hubiera de exigirse inmediatamente la condicion que ponen las leyes Britanicas, se ha convenido aqui, que por el espacio de 7 años, contados desde la fecha en que sean cangeadas las ratificaciones del susodicho Tratado, se considerarán como buques de Guatemala, todo buque, de cualquier construccion que sea, y con tal que *bond fide* sea de propiedad y absoluta pertenencia de uno ó mas ciudadanos de la Republica de Guatemala; con tal que los capitanes y tres cuartas partes al menos de la tripulacion sean tambien ciudadanos nacidos en la Republica, ó personas domiciliadas en la Republica segun un acto del Gobierno que los constituya ciudadanos legitimos de la Republica de Guatemala, segun las leyes del pais.

El presente Artículo Adicional tendrá la misma fuerza y valor que si se hubiera insertado palabra por palabra en el Tratado de este dia. Será ratificado, y las ratificaciones seran cambiadas al mismo tiempo.

En fé de lo cual los respectivos Plenipotenciarios lo han firmado, y sellado con sus sellos respectivos.

Fecho en la Ciudad de Guatemala, á los 20 dias del mes de Febrero, del año del Señor 1849.

(L.S.) J. MARIANO ROD-
RIGUEZ.

(L.S.) FREDK. CHATFIELD.

ARTICLES between the Post Office of Great Britain and Ireland, and the Post Office of the United States of America, for carrying into execution the Postal Convention of December 15, 1848.—Washington, May 14, 1849.*

IN pursuance of Article XXI of the Convention of December 15, 1848, between the United Kingdom of Great Britain and Ireland, and the United States of America, which leaves to the 2 Post Offices the regulation, as soon as possible after the exchange of the ratifications of the said Convention, of the form in which the accounts for the transmission of correspondence are to be made up, as well as of all other matters of detail, which are to be arranged by mutual consent for ensuring the execution of the stipulations contained in the said Convention.

The undersigned, duly authorized for that purpose by their respective offices, have agreed upon the following Articles :

CHAPTER I.—*Regulations between the respective Offices of Exchange.*

ART. I. The following shall be the regulations for the exchange of mails between the United Kingdom and The United States :

There shall be an exchange of mails between the following offices :

1. Between London and Boston by way of Liverpool and Boston direct, and also by way of Liverpool and New York.

2. Between London and New York by way of Liverpool and New York direct, and also by way of Liverpool and Boston.

3. Between Liverpool and Boston direct, and also by way of New York.

4. Between Liverpool and New York direct, and also by way of Boston.

5. Between London and New York by way of Southampton.

6. Between Southampton and New York direct.

II. When the packets are despatched from Liverpool to Boston direct, the mails forwarded from the offices of London and Liverpool to the office of Boston, shall comprise the correspondence for all parts of The United States (with the exception of New York), and for countries in transit through The United States.

The mails for New York shall comprise all the correspondence for that city.

III. When the packets are despatched from Liverpool to New York direct, the mails forwarded from the offices of London and Liverpool to the office of New York, shall comprise the correspondence for all parts of The United States (with the exception of Boston), and for countries in transit through The United States.

The mails for Boston shall comprise all the correspondence for that city.

IV. Reciprocally, when the packets are despatched from Boston, or from New York to Liverpool, the mails forwarded from the offices of Boston and New York to the office of Liverpool, shall comprise the correspondence for all parts of the United Kingdom, with the exception of the city of London and its suburbs.

The mails for London shall comprise all the correspondence for that city and its suburbs, and for countries in transit through the United Kingdom.

V. When the packets are despatched from Southampton to New York, the mails forwarded from the offices of London and Southampton shall comprise the correspondence for all parts of The United States, and for countries in transit through The United States.

VI. When the packets are despatched from New York to Southampton, the mails forwarded from the office of New York to the office of London, shall comprise the correspondence for all parts of the United Kingdom (with the exception of Southampton), and for foreign countries (France and countries on the continent of Europe addressed *viâ* Southampton and Havre excepted), and for British colonies and possessions in transit through the United Kingdom.

The mails for Southampton shall comprise all the correspondence for that town, and for France and for countries on the continent of Europe, specially addressed *viâ* Southampton and Havre.

VII. If, hereafter, it should be deemed necessary to make a direct exchange of mails between other offices than those mentioned in Article I of the present Articles, other offices of exchange may be established by mutual agreement between the 2 offices.

CHAPTER II.—*Regulations respecting the exchange of Correspondence, Progressive Rates of Postage, &c.*

VIII. The respective offices shall mutually account to each other for the portion of the postage of the correspondence exchanged between them, which is due to each, both for that of the letters not prepaid, and also for that of the letters which are prepaid.

On all prepaid letters sent from one office of exchange to another, there shall be distinctly marked in *red* ink, in the upper right hand corner of each letter, the amount due to the country to which sent; and, in like manner, on all unpaid letters there shall be marked in *black* ink, the amount due to the country from which forwarded.

When either country is entitled to the packet or sea rate of postage in addition to its inland, the 2 rates shall be combined and marked in one sum on each letter.

IX. With respect to letters above the weight of a single letter

which is fixed at half an ounce in either country, the respective offices in accounting to each other, shall employ the following scale of progression :

For every letter, not exceeding half an ounce in weight, 1 single rate.

Above half an ounce, but not exceeding 1 ounce, 2 rates.

Above 1 ounce, but not exceeding 2 ounces, 4 rates.

Above 2 ounces, but not exceeding 3 ounces, six rates.

Above 3 ounces, but not exceeding 4 ounces, 8 rates ; and so on, 2 rates being added for every ounce or fraction of an ounce.

X. The correspondence of every description which may be forwarded from one office to another shall be inclosed in sealed or locked bags, and each class of correspondence shall be tied up separately, and distinguished by a label, showing under what article in the letter-bill such correspondence is comprised.

XI. When closed mails are forwarded, under the stipulations contained in Articles V, VI, VII, and VIII, of the Convention of December 15, 1848, from the United Kingdom through The United States, or from The United States through the United Kingdom, the office which despatches the mails shall insert the net weight of the letters, and the number of newspapers contained in such mails in the letter-bill, in the table prepared for that purpose ; and, in like manner, when closed mails are received in the United Kingdom through The United States, or in The United States through the United Kingdom, the office which receives the mails shall insert the net weight of the letters and the number of newspapers contained in such mails, in the acknowledgment of receipt, which is to be returned by the next post.

XII. When closed mails are forwarded from one part of The United States to another part, through the territory of British North America, or from one part of British North America to another part, through the territory of The United States, the office which despatches the mails shall send a letter-bill, in which shall be entered the net weight of the letters, and the number of newspapers contained in such mails.

The letter-bill shall be addressed to the Post Office of the country through which the mail is forwarded, and shall be according to the Form (A), annexed to the present Articles.

XIII. Letters originating in The United States, and addressed to the foreign countries and British colonies and possessions contained in Table (B), and letters originating in the United Kingdom, and addressed to the foreign countries and United States possessions contained in Table (C), annexed to the present Articles ; and, *vice versa*, letters originating in such foreign countries, British colonies and possessions, and United States possessions, and addressed to the

United Kingdom, or The United States, shall be delivered by one office to the other free of all postage, whether packet or inland.

XIV. With respect to letters passing through either country which cannot be forwarded unless the postage be paid in advance, the office of The United States shall pay to the British office the rates of British and foreign postage set against the names of the respective foreign countries and British colonies and possessions in Table (D), annexed to the present Articles; and, in like manner, the British office shall pay to the office of The United States the rates of United States postage set against the names of the respective foreign countries and United States possessions and territories in Table (E), annexed to the present Articles.

CHAPTER III.—*Letter Bills, Acknowledgments of Receipts, Accounts, &c.*

XV. Every mail passing between the respective offices of exchange in the United Kingdom and The United States, shall be accompanied by a letter-bill, specifying the amount of postage due to each office on each class of correspondence.

The office to which the mail is addressed shall return by the next post an acknowledgment of receipt to the office from which it was transmitted.

The letter-bills and acknowledgments of receipt shall be made according to the forms (F and G) agreed upon and annexed to the present Articles.

XVI. If it should happen at the usual period for making up the mails there should not be any letter or other correspondence from either of the offices of exchange, a blank letter-bill shall nevertheless be forwarded to the corresponding office.

XVII. The letter-bills and acknowledgments of receipt, indicating the correct amount of postage due to each office, shall serve as vouchers to the quarterly accounts.

If, in checking the mails transmitted to the respective offices of exchange, the amount of postage of any of the articles shall be found to differ from that entered in the letter-bill by the dispatching office, such articles shall be checked by 2 officers, and the corrected amount, which is entered by them on the verification side of the letter-bill, shall be accepted as the true amount.

XVIII. Accounts, showing the results of the mutual transmission of correspondence between the United Kingdom and The United States, shall be made out at the end of every quarter by the General Post Office in London, and having been examined, compared, and settled by the General Post Office in Washington, the balance shall be paid without delay by that office which shall be found indebted to the other.

The quarterly accounts shall be made out according to the Forms (H) and (I) annexed to the present Articles.

CHAPTER IV.—*Dead, Mis-sent, and Returned Letters.*

XIX. Dead letters, newspapers, &c. which cannot be delivered, from whatever cause, shall be mutually returned after the expiration of every month, or otherwise, as the regulations of each office will admit.

Such of those letters, &c. as shall have been charged in the account, shall be returned for the same amount of postage which was originally charged by the sending office, and shall be allowed in the discharge of the account of the office to which they were transmitted.

The Forms (K and L) to be used in claiming the return of postage, and to accompany such dead letters, newspapers, &c. are annexed to the present Articles.

XX. With respect to dead letters, &c. which may have been received in closed mails, or which cannot be produced by the office which has to claim the amount, they shall be admitted for the same weight and amount of postage which was originally charged upon such dead letters, &c. in the accounts of the respective offices, on a declaration, or on lists vouching for the amount of postage demanded, signed by the Inspector of the Dead Letter Office, or other officer duly authorized for that purpose.

XXI. Letters misdirected or mis-sent, or which may require the prepayment of the postage, shall be reciprocally returned, without delay, through the respective Offices of Exchange, and credit taken in the letter-bill for the amount of postage originally charged upon them.

Re-directed letters, or letters addressed to persons who have changed their residences, shall be mutually returned by the first post, charged with the rates of postage which would have been paid by the parties to whom they are addressed.

XXII. Letters sent for the purpose of annoying or injuring the parties to whom they are addressed (the postage on which either office may think proper to return), even though they may have been opened, are to be included and admitted with the dead letters.

XXIII. Whereas, by Article XIII of the Convention of December 15, 1848, it is stipulated that letters posted in The United States, addressed to the British North American Provinces, or *vice versa*, shall be charged according to the rates of postage which are now, or which shall hereafter be, in operation in The United States, and in the British North American Provinces, for inland letters; and whereas, by Article XIV of the said Convention, it is further stipulated that the rates of postage fixed by the preceding Article shall be combined

into one rate, of which payment in advance shall be optional, both in The United States and in the British North American Provinces, and that it shall not be permitted to pay less than the whole rate; and as, owing to the various rates of postage now in operation in the 2 countries, which are governed by the distance that letters have to be conveyed in each, depending upon the point of intercommunication where the correspondence passes from one country to the other, it will not be possible to determine, by previous regulations, the true combined rates to which letters will be liable; and as, therefore, it will not be practicable to prescribe such forms, and settle such details as will carry the said Articles into due effect, it is agreed that further efforts for the adjustment of such forms and details, for carrying into operation Articles XIII and XIV of the Convention of December 15, 1848, shall be postponed until such alterations be made in the rates of postage as will allow of the provisions of the said Articles being effectually carried out, according to the true intent and meaning of the same.

XXIV. The present Articles, so far as they are not already in force, shall come into operation on the 1st day of July next.

Done in duplicate, in the City of Washington, the 14th day of May, 1849.

(L.S.) H. BOURNE.

(Approved.) CLANRICARDE.

(L.S.) S. R. HOBRIE.

(A.) —LETTER BILL FOR CLOSED MAILS.

Post Office,

day of

18

Particulars of Closed Mails forwarded herewith.

Destination.	Number of Boxes or Bags.	Net Weight of Letters in Ounces.	Number of Newspapers.
Total			

To the Postmaster of

Postmaster.

NOTE.—This Letter Bill is to be used when Closed Mails are sent from one part of The United States to another part, through the territory of British North America, or from one part of British North America to another part, through the territory of The United States.

(B.)—List of Foreign Countries and British Colonies and Possessions to or from which Letters passing in transit through the United Kingdom, must be mutually delivered by one office to the other free of all postage, whether packet or inland.

Alexandria, city of, <i>vid</i>	German States.	Naples, Kingdom of,	Venetian States.
Algeria. [Marseilles.	Gibraltar	<i>vid</i> Marseilles.	Wallachia.
Austria, and the Aus-	Greece, <i>vid</i> Marseilles	Norway.	Wurtemberg.
trian States.	Hamburgh & Cuxhaven.	Oldenburgh.	West Indies, &c, Bri-
Baden.	Hanover.	Poland.	tish, viz. :—
Bavaria.	Holland.	Prussia.	Antigua, Barbadoes, Ba-
Belgium.	Hong Kong (China),	Roman, or Papal States.	hamas, Berbice, Cariacon
Bremen, Free city of.	Island of.	Russia.	Demerara, Dominica,
Brunswick.	Ionian Islands.	Saxony.	Essequibo, Grenada,
Beyrout, city of, <i>vid</i>	Lubeck, Free city of.	Scutari, } Cities of, <i>vid</i>	Honduras, Jamaica,
Marseilles.	Malta, Island of.	Smyrna, } Marseilles.	Montserrat, Nevis,
Dardanelles, The, <i>vid</i>	Mecklenburgh-	Sweden.	St. Kitts, St. Lucia,
Marseilles.	Schwerin.	Switzerland.	St. Vincent, Tobago,
Denmark.	Mecklenburgh-Strelitz.	Turkey in Europe.	Tortola, Trinidad.
France.	Moldavia.	Tuscany, <i>vid</i> Marseilles	

(C.)—List of Foreign Countries and American Possessions to or from which Letters passing in transit through The United States, must be mutually delivered by one office to the other free from all postage, whether packet or inland.

Nil.

(D.)—List of Foreign Countries and British Colonies and Possessions, with the Rates of Postage on Letters to or from The United States of America when conveyed *vid* the United Kingdom, which rates are to be paid by the Post Office of The United States to the British Post Office.

Names of Countries, &c.	Rate per Single Letter when conveyed between Great Britain and The United States.				Routes, Ports of Arrival in or Departure from the United Kingdom.
	By British Packet.		By United States Packet.		
	Not exceedg $\frac{1}{2}$ oz.		Not exceedg $\frac{1}{2}$ oz.		
	s. d.	Cents.	s. d.	Cents.	
Aden, Asia	1 8	40	1 0	24	Southampton.
Australia	2 0	48	1 4	32	Southampton and India.
Australia, by private ship	1 4	32	0 8	16	Various.
Azores, Islands	2 5	58	1 11	42	Southampton and Lisbon.
Bourbon } Islands of	2 0	48	1 4	32	Southampton and India.
Borneo }					
Brazils	3 5	82	2 9	66	Falmouth.
Buenos Ayres	3 3	78	2 7	62	Falmouth.
Canary Islands	2 6	60	1 10	44	Falmouth.
Cape-de-Verd Islands	2 6	60	1 10	44	Uncertain.
Ceylon, Island of	1 8	40	1 0	24	Southampton.
China	1 8	40	1 0	24	Southampton.
Egypt }	2 2	52	1 6	36	Southampton.
Greece }					
Heligoland, Island of	1 2	28	0 6	12	London.
Indies, East	1 8	40	1 0	24	Southampton.
Java }	2 0	48	1 4	32	Southampton and India.
Labuan }					
Lucca }	1 1	26	0 5	10	Via France.
Modena }					
Madeira, Island of	2 6	60	1 10	44	Southampton.
Mauritius	1 8	40	1 0	24	Southampton and India.
Moluccas	2 0	48	1 4	32	Southampton and India.
Monte Video	3 3	78	2 7	62	Falmouth.
New Grenada	1 8	40	1 0	24	Southampton.
New South Wales	2 0	48	1 4	32	Southampton and India.
New South Wales, by private ship..	1 4	32	0 8	16	Various.
New Zealand	2 0	48	1 4	32	Southampton and India.
New Zealand, by private ship	1 4	32	0 8	16	Various.
Parma and Placentia	1 1	26	0 5	10	Via France.
Philippine Islands	1 8	40	1 0	24	Southampton.
Portugal	2 5	58	1 9	42	Southampton.
Sierra Leone	1 8	40	1 0	24	Uncertain.
Spain	2 10	68	2 2	52	Southampton.
Sumatra, Island of	2 0	48	1 4	32	Southampton and India.
Syria	2 2	52	1 6	36	Southampton.
Van Diemen's Land	2 0	48	1 4	32	Southampton and India.
Venezuela	1 8	40	1 0	24	Southampton.
West Indies, Foreign, viz., Cuba ..	2 11	70	2 3	54	Southampton.
West Indies, Guadalupe, Hayti, Martinique, Porto Rico, St. Croix, St. Eustatius, St. Martin, St. Thomas	2 1	50	1 5	34	Southampton.
Any British Colony or Foreign Coun- try, when conveyed to or from the United Kingdom by private ships	1 4	32	0 8	16	Various.

List of Foreign Countries and British Colonies and Possessions, &c.—continued.

Names of Countries, &c.			Rate per Single Letter when conveyed between Great Britain and The United States.				Routes, Ports of Arrival in or Departure from the United Kingdom.	
			By British Packet.		By United States Packet.			
			Under ½ oz.		Under ½ oz.			
Aden, Asia ...	British ...	}	s. d.	Cents.	s. d.	Cents.	} By closed mail, via Marseilles.	
East Indies ...			2 1	50	1 5	34		
Ceylon, Island of ...								
China ...								
Hong Kong, Island of ...	Foreign ...	}	0 5	10	0 5	10	}	
Mauritius ...								
Philippine Islands ...								
Total ...			2 6	60	1 10	44		
Australia ...	British ...	}					} By closed mail, via Marseilles.	
New Zealand ...								
Van Diemen's Land ...			2 5	68	1 9	42		
Bourbon, Borneo ...								
Java, Labuan ...	Foreign ..	}	0 5	10	0 5	10	}	
Moluccas, Sumatra, or any other place in the Indian Archipelago ...								
Total ...			2 10	68	2 2	52		
Egypt ...			British ...	1 11	46	1 3		30	} By closed mail, via Marseilles.
Syria ...	Foreign ...	0 5	10	0 5	10			
Total ...		2 4	56	1 8	40			
Egypt ...	British ..	}	1 1	26	0 5	10	} By French Packet, via Marseilles.	
Syria ...								
Sicily, Island of ...			Foreign ...	0 10	20	0 10		20
Tunis, Africa ...								
Total ...		1 11	46	1 3	30			
Sardinia ...	British ...	}	1 1	26	0 5	10	} Via France.	
Spain ...			Foreign ...	0 5	10	0 5		10
Total ...			1 6	36	0 10	20		

NOTE.—The Foreign portion of the above rates is to be charged according to the following scale, viz.:—Weighing under ½ oz., 1 rate; ½ oz. and under ½ oz., 2 rates; ½ oz. and under ¾ oz., 3 rates; ¾ oz. and under 1 oz., 4 rates; 1 oz. and under 1 ¼ oz., 5 rates; and so on, an additional rate being charged for each quarter of an ounce.

(E.)—List of Foreign Countries and United States Possessions and Territories, which by the laws of The United States, are beyond the limit of their established post routes, with the Rates of Postage on Letters to and from the United Kingdom when conveyed *via* The United States which rates are to be paid by the Post Office of the United Kingdom to the Post Office of The United States.

Names of Countries, &c.			Rate per Single Letter when conveyed between The United States and Great Britain		Routes, Ports of Arrival in or Departure from The United States.
			By United States Packet.	By British Packet.	
			Not exceeding ½ oz.	Not exceeding ½ oz.	
			Cents.	Cents.	
Canada ...	}	}	26	10	By the General Mail
New Brunswick ...					
Hanava ...			28 ½	12 ½	By United States Packet from Charlestown.
California ...	}	}	66	40	
Oregon ...					} By United States Packet from New York.
Panama ...			46	30	
Chagres ...			36	20	
Any place in the West Indies or Gulf of Mexico ...			21	5	By British Packet from New York
Do. " "			26	10	By British Packet from Mobile.

(F.)—*LETTER BILL, for the Correspondence between the United Kingdom and The United States.*

Mail from _____ to _____ by the _____ Packet.
_____ the _____ of _____ 18 .
The following Articles are sent herewith, the receipt of which it is requested may be acknowledged, viz.

<div>§ I. UNPAID LETTERS, &c. to be placed to the Credit of the British Office. 1. Unpaid Letters from the United Kingdom for The United States, at _____ cents the single rate ... 2. Unpaid Letters from Foreign Countries, and British Colonies and Possessions, in transit through the United Kingdom for The United States ... 3. Newspapers in transit through the United Kingdom for The United States, at 2 cents each ... 4. Missent, redirected, and returned Letters received from The United States ... 5. Closed Mails for The United States Office in transit through the United Kingdom ...</div>	Statement by the British Office.		Verification by The United States Office.	
	Amount.		Amount.	
	Dollars.	Cents.	Dollars.	Cents.
ORIGIN.	The weight of Letters and the number of Newspapers contained in the Closed Mails are to be entered in the verification column by the United States Office.		Net weight of Letters in Ounces.	Number of Newspapers.
<div>§ II. PAID LETTERS, &c. to be placed to the Credit of The United States Office. 6. Paid Letters from the United Kingdom for The United States at _____ cents the single rate ... 7. Paid Letters for Foreign Countries, United States Possessions, &c. in transit through The United States ... 8. Paid Newspapers for Foreign Countries, United States Possessions, &c. in transit through The United States, at 2 cents each ... 9. Closed Mails from the British Office in transit through The United States ...</div>	Amount.		Amount.	
	Dollars.	Cents.	Dollars.	Cents.
DESTINATION.	Net weight of Letters in Ounces.		Number of Newspapers.	
<div>§ III. LETTERS, NEWSPAPERS, &c. on which the British Postage has been paid, and which form no charge between the 2 Offices. 10. Letters from Foreign Countries, &c. in transit through the United Kingdom for The United States ... 11. Letters from the United Kingdom for Foreign Countries, &c. in transit through The United States ... 12. Newspapers, Periodicals, Works, Pamphlets, &c. ...</div>	Number.			
REGISTERED LETTERS affixed to the present Bill, and included in the foregoing Articles.				
Number	Whence sent.	To whom addressed.	Place of destination.	
Superintending President or Postmaster.				

ACKNOWLEDGMENT OF RECEIPT for the Correspondence
between The United States and the United Kingdom.

Post Office

the of 18 .

The Mail from to by the Packet of the

of 18 has been received, containing the following Articles, viz. :—

	Statement by the United States Office.		Verification by the British Office.	
	Amount.		Amount.	
	Dollars.	Cents.	Dollars.	Cents.
§ I. UNPAID LETTERS to be placed to the Credit of The United States Office.				
1. Unpaid Letters from The United States for the United Kingdom, at cents the single rate 				
2. Unpaid Letters from Foreign Countries, United States Possessions, &c. in transit through The United States for the United Kingdom 				
3. Newspapers in transit through The United States for the United Kingdom, at 2 cent's each 				
4. Missent, redirected, and returned Letters received from the United Kingdom 				
5. Closed Mails for the British Office in transit through The United States 				
ORIGIN.			Net weight of Letters in Ounces.	Number of Newspapers.
	Amount.		Amount.	
	Dollars.	Cents.	Dollars.	Cents.
§ II. PAID LETTERS, &c., to be placed to the Credit of the British Office.				
6. Paid Letters from The United States for the United Kingdom, at cents the single rate 				
7. Paid Letters for Foreign Countries, and British Colonies and Possessions, in transit through the United Kingdom 				
8. Paid Newspapers for Foreign Countries, &c. in transit through the United Kingdom, at 2 cents each 				
9. Closed Mails from The United States Office in transit through the United Kingdom 				
DESTINATION.	Net weight of Letters in Ounces.		Number of Newspapers.	
§ III. LETTERS, NEWSPAPERS, &c. on which The United States Postage has been paid, and which form no charge between the 2 Offices.	Number.			
10. Letters from Foreign Countries, &c. in transit through The United States for the United Kingdom 				
11. Letters from The United States for Foreign Countries, &c. in transit through the United Kingdom 				
12. Newspapers, Periodical Works, Pamphlets, &c. 				

Postmaster.

Number of the articles composing the credit of the United Kingdom	The Office of The United States Dr. to the Office of the United Kingdom.		Amount.	
			Dollars.	Cents
	<i>Mails from the United Kingdom.</i>			
1	Unpaid Letters from the United Kingdom for The United States, at cents the single rate 			
2	Unpaid Letters from Foreign Countries, and British Colonies and Possessions, in transit through the United Kingdom for The United States 			
3	Newspapers in transit through the United Kingdom for The United States, at 2 cents each 			
4	Mis-sent, re-directed, and returned Letters received from The United States 			
5	Closed Mails for The United States Office in transit through the United Kingdom, viz. :— 			
	Letters 			
	Newspapers 			
	<hr/>			
	<i>Mails from The United States.</i>			
6	Paid Letters from the United States for the United Kingdom, at cents the single rate 			
7	Paid Letters for Foreign Countries, and British Colonies and Possessions, in transit through the United Kingdom 			
8	Paid Newspapers for Foreign Countries, &c. in transit through the United Kingdom, at 2 cents each ..			
9	Closed Mails from The United States Office, in transit through the United Kingdom, viz. :— 			
	Letters 			
	Newspapers 			
	<hr/>			

PRECEDING ACCOUNT.

Number of the articles composing the credit of The United States.	The Office of the United Kingdom Cr. to the Office of The United States.	Amount.	
		Dollars.	Cents
	<i>Mails from The United States.</i>		
1	Unpaid Letters from The United States for the United Kingdom, at cents the single rate		
2	Unpaid Letters from Foreign Countries, United States Possessions, &c. in transit through The United States for the United Kingdom		
3	Newspapers in transit through The United States for the United Kingdom, at 2 cents each		
4	Mis-sent, re-directed, and returned Letters received from the United Kingdom		
5	Closed Mails for the British Office in transit through The United States, viz. :—		
	Letters		
	Newspapers		
	<i>Mails from the United Kingdom.</i>		
6	Paid Letters from the United Kingdom for The United States, at cents the single rate		
7	Paid Letters for Foreign Countries, United States Possessions, &c. in transit through The United States ..		
8	Paid Newspapers for Foreign Countries, United States Possessions, &c. in transit through The United States, at 2 cents each		
9	Closed Mails from the British Office in transit through The United States, viz. :— . ..		
	Letters		
	Newspapers		

BALANCE of the Account for the Quarter ended the of 18 .

	Dollars.	Cents
The Office of The United States Dr. to the Office of the United Kingdom		
The Office of the United Kingdom Dr. to the Office of The United States		
Balance in favour of the Office of ..		

General Post Office,
London, the of , 18 .

(I.)

GENERAL ACCOUNT between the Post Office of the United Kingdom and the Post Office of The United States, relating to the Correspondence between the 2 Offices for the Quarter ended the of 18 .

The Office of The United States <i>Dr.</i> to the Office of the United Kingdom.		The Office of the United Kingdom <i>Dr.</i> to the Office of The United States.	
	Dollars. Centa.		Dollars. Centa.
Recapitulation of the Account between—		Recapitulation of the Account between—	
London and Boston		London and Boston	
London and New York, <i>via</i> Liverpool ..		London and New York, <i>via</i> Liverpool ..	
London and New York, <i>via</i> Southampton		London and New York, <i>via</i> Southampton	
Liverpool and Boston		Liverpool and Boston	
Liverpool and New York		Liverpool and New York	
Southampton and New York		Southampton and New York	
Dead Letters returned to Washington ..		Dead Letters returned to London ..	
Balance of Errors in the preceding Account ..		Balance of Errors in the preceding Account ..	
Balance in favour of The United States ..		Balance in favour of the United Kingdom ..	

General Post Office,

London,

18

.

Accountant-General.

(K.)—Account of Dead Letters returned to Washington from London, being Letters received in the Dead Letter Office, during the month of 18 .

Number of the Articles in which the Correspondence was originally included.	Origin of the Correspondence of every description.	Number of Letters and Newspapers.	Amount due to the Office of the United Kingdom.		Observations.
			Dollars.	Cents.	
	§ I. UNPAID CORRESPONDENCE.				
1	Letters from The United States for the United Kingdom ..				
2	Letters from Foreign Countries, United States Possessions, &c. for the United Kingdom				
3	Newspapers from ditto for the United Kingdom				
5	Closed Mails, Letters received by ounces, at per ounce				
	§ II. PAID CORRESPONDENCE.				
6 and 7	Letters for the United Kingdom and for Foreign Countries through the United Kingdom				
8	Newspapers for Foreign Countries through the United Kingdom ..				
	§ III. CORRESPONDENCE free from Charge.				
10 and 11	Letters for the United Kingdom and for Foreign Countries through the United Kingdom				
12	Newspapers, Periodical Works, Pamphlets, &c.				

General Post Office,
London, the 18 of 18 . Inspector.

(L.)—Account of Dead Letters returned to London from Washington, being Letters received in the Dead Letter Office, during the month of 18 .

Number of the Articles in which the Correspondence was originally included.	Origin of the Correspondence of every description.	Number of Letters and Newspapers.	Amount due to the Office of The United States.		Observations.
			Dollars.	Cents.	
	§ I. UNPAID CORRESPONDENCE.				
	Letters from the United Kingdom for The United States ..				
	Letters from Foreign Countries, British Colonies, Possessions, &c., for The United States				
	Newspapers from ditto for The United States				
5	Closed Mails, Letters received by ounces, at per ounce				
	§ II. PAID CORRESPONDENCE.				
6 and 7	Letters for The United States, and for Foreign Countries, and United States Possessions, through The United States ..				
8	Newspapers for Foreign Countries, through The United States				
	§ III. CORRESPONDENCE free from Charge.				
10 and 11	Letters for The United States, and for Foreign Countries, through The United States				
12	Newspapers, Periodical Works, Pamphlets, &c.				

Post Office Department,
Washington, the

of 18.

Third Assistant Postmaster-General.

LOI de France, portant fixation du Budget des Dépenses de l'Exercice 1848.—Neuilly, le 8 Août, 1847.

Au Palais de Neuilly, le 8 Août, 1847.

LOUIS-PHILIPPE, Roi des Français, à tous présents et à venir,
Salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

ART. I. Des crédits sont ouverts jusqu'à concurrence de 1,446,210,170 francs, pour les dépenses de l'Exercice 1848, conformément à l'Etat A ci-annexé, savoir :

<i>Service Ordinaire.</i>	<i>Francs.</i>
Dette Publique	384,346,191
Dotations	14,922,150
Services des Ministères.....	731,335,104
Frais de Régie, de Perception, et d'Exploitation des Impôts et Revenus Publics	156,892,495
Remboursements et restitutions, non-valeurs, primes et escomptes	74,185,730

Total du service ordinaire....*Francs* 1,361,681,670

Service Extraordinaire.

Travaux régis par la Loi du 25 Juin, 1841.....	20,298,500
Travaux régis par la Loi du 11 Juin, 1842.....	64,230,000

Total général....*Francs* 1,446,210,170

Des crédits montant à la somme de 21,283,592 francs, sont également ouverts, pour l'Exercice 1848, conformément à l'Etat B ci-annexé, aux services spéciaux portés pour ordre au budget.

II. Il sera pourvu au paiement des dépenses mentionnées dans l'Article I de la présente Loi, et dans les tableaux y annexés, par les voies et moyens de l'Exercice 1848.

III. L'effectif à entretenir en Algérie, au delà duquel il y aura lieu à l'application du 2ème paragraphe de l'Article IV de la Loi de Finances du 11 Juin, 1842, est fixé, pour l'année 1848, à 60,000 hommes et 15,490 chevaux.

IV. Il sera rendu un compte spécial et distinct de l'emploi des crédits ouverts à chacun des paragraphes des Chapitres 21, 25, et 33 du Budget du Ministère de la Guerre, pour travaux extraordinaires civils et militaires à exécuter, en 1848, sur divers points de l'Algérie : ces crédits ne pourront recevoir aucune autre affectation.

V. Il sera joint, tous les 5 ans, aux documents fournis à l'appui du budget, un état des traitements des fonctionnaires, agents administratifs, officiers de tous grades et employés des services civils et militaires, compris au budget général de l'Etat, conforme à celui publié en 1831. L'état indiqué au présent Article et celui de 1831 seront imprimés et joints au budget de 1849.

VI. Il est ouvert au Ministre de la Guerre un crédit de 1,050,000 francs, pour l'Inscription, au Trésor Public, des Pensions Militaires à liquider dans le courant de l'année 1848.

VII. La faculté d'ouvrir, par Ordonnance du Roi, des crédits supplémentaires, accordée par l'Article III de la Loi du 24 Avril, 1833, pour subvenir à l'insuffisance, dûment justifiée, d'un service porté au Budget, n'est applicable qu'aux dépenses concernant un service voté, et dont la nomenclature suit :

Ministère de la Justice et des Cultes.

Frais de justice criminelle ; indemnité pour frais d'établissement des Evêques, des Archevêques, et des Cardinaux ; frais de Bulles et d'Information ; traitements et indemnités des Membres des Chapitres et du Clergé Paroissial ; traitements des Ministres des Cultes non Catholiques.

Ministère des Affaires Etrangères.

Frais d'établissement des Agents Politiques et Consulaires ; frais de Voyages et de Courriers ; Missions Extraordinaires.

Ministère de l'Instruction Publique.

Traitements éventuels des Professeurs des Facultés ; frais de concours dans les Facultés, et pour l'agrégation des Collèges ; prix de l'Institut et de l'Académie Royale de Médecine ; frais de tournées des Inspecteurs Généraux de l'Université, ainsi que des Recteurs et Inspecteurs des Académies.

Ministère de l'Intérieur.

Dépenses Ordinaires du service intérieur des Maisons Centrales de Force et de Correction ; remboursements sur le produit du travail des condamnés détenus dans les Maisons Centrales de Force et de Correction ; transport des condamnés aux Bagnes et aux Maisons Centrales de Force et de Correction ; dépenses Départementales.

Ministère de l'Agriculture et du Commerce.

Encouragements aux Pêches Maritimes ; frais relatifs à la mise en vente des eaux thermales ; frais relatifs à la publication des brevets d'invention.

Ministère des Travaux Publics.

Service des prêts autorisés pour les Chemins de Fer ; frais de Police et de surveillance sur les Chemins de Fer ; frais d'entretien et d'exploitation des Chemins de Fer exécutés sur les fonds de l'Etat.

Ministère de la Guerre.

Frais de procédure des Conseils de Guerre et de Révision ; achats de grains et de rations toutes manutentionnées ; achats de liquides ; achats de combustibles ; achats de fourrages pour les chevaux de troupe et de Gendarmerie (troupes Françaises et services militaires indigènes) ; dépenses de transports d'armes, de munitions, d'effets d'hôpitaux, et de couchage ; solde de non-activité et solde de réforme, créées par la Loi du 19 Mai, 1834 ; dépenses d'exploitation et de fabrication du service des poudres et salpêtres, et ventes de poudres par les entreposeurs en Algérie.

Ministère de la Marine et des Colonies.

Achats de vivres ; Justice maritime.

Ministère des Finances.

Dette Publique (dette perpétuelle et amortissement) ; intérêts, primes et amortissement des emprunts pour ponts et canaux ; intérêts de la dette flottante ; intérêts de la dette viagère ; intérêts de cautionnements ; pensions (Chapitres 12, 13, 14, 15, 16, et 17) ; frais judiciaires de poursuites et d'instances, et condamnations prononcées contre le trésor public ; frais de trésorerie ; frais de perception, dans les départements, des contributions directes et des taxes perçues en vertu des rôles ; remises pour la perception, dans les départements, des droits d'enregistrement ; contributions des bâtiments et des domaines de l'Etat, et des biens séquestrés ; frais d'estimation, d'affiche et de vente de mobilier et de domaines de l'Etat ; dépenses relatives aux épaves, déshérences et biens vacants ; achat de papier pour passe-ports et permis de chasse ; achat de papier à timbrer, frais d'emballage et de transport ; travaux d'abatage et de façon de coupes de bois à exploiter par économie ; frais d'adjudication des produits des forêts et des droits de chasse et de pêche ; avances recouvrables et frais judiciaires ; portion contributive de l'Etat dans la réparation des chemins vicinaux ; remises pour la perception des contributions indirectes dans les départements ; achat de papier filigrané pour les cartes à jouer ; contribution foncière des bacs, canaux et francs-bords ; service des poudres à feu ; dépenses des manufactures de tabacs (gages, salaires et fournitures diverses) ; achat de tabacs et frais de transport ; primes pour saisies de tabacs et arrestations de colporteurs ; remises des Directeurs des Bureaux de Poste aux lettres ; achat de

lettres venant de l'étranger ; remises sur le produit des places dans les paquebots et les malles-postes ; droits de tonnage et de pilotage des paquebots employés au transport des dépêches ; réparations et frais de combustibles des mêmes paquebots ; frais de justice, de poursuites, d'arrestation des marins des paquebots des postes, absents sans congés ; pertes et avaries ; transport des dépêches par entreprise ; service des dépêches par les chemins de fer ; salaire des facteurs ruraux des postes ; frais d'hôpitaux et de quarantaine (paquebots de la Méditerranée) ; pertes résultant des tolérances en fort sur le titre et le poids des monnaies fabriquées ; remboursements, restitutions, non-valeurs, primes et escomptes.

VIII. La faculté accordée par des lois spéciales de reporter, par une Ordonnance Royale, d'un exercice à l'autre, les crédits non consommés, cessera d'exister à partir du 31 Décembre, 1848.

Cette disposition ne recevra pas son application dans le cas où il s'agirait, soit d'un crédit limité à un seul exercice, soit de la dernière allocation d'un crédit réparti sur plusieurs années.

La présente Loi, discutée, délibérée, et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme Loi de l'Etat.

DONNONS EN MANDEMENT à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer, et maintenir, et, pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait au Palais de Neuilly, le 8e jour du mois d'Août, l'an 1847.

Par le Roi :

LOUIS-PHILIPPE.

*Le Ministre Secrétaire d'Etat au Département
des Finances,*

S. DUMON.

(Etat A.)—BUDGET GENERAL des Dépenses de l'Exercice, 1848.

MINISTÈRES ET SERVICES.						MONTANT DES CRÉDITS ACCORDÉS.
Ire Partie.—Dettes Publiques.						
1°. Dette Consolidée et Amortissement.						
				Francs.		Francs.
Rentes 5 p. cent..	..	..	..	..	..	146,752,528
Rentes 4½ p. cent	..	..	..	..	..	1,026,600
Rentes 4 p. cent..	..	..	..	..	..	26,507,375
Rentes 3 p. cent..	..	..	..	..	..	68,114,883
Fonds d'Amortissement :						
Dotation Annuelle	..	..	..	48,886,565		48,886,565

MINISTÈRES ET SERVICES.

MONTANT DES
CRÉDITS ACCORDÉS.

Rentes appartenant à la caisse d'Amortissement
comprises dans les crédits ci-dessus (par ap-
proximation) 68,617,166

Montant du Fonds d'Amortissement .. 117,503,731

TOTAL pour la Dette Consolidée et l'Amortissement *Francs* 291,287,951

2°. *Emprunts Spéciaux pour Canaux et Travaux divers.*

Intérêts et Primes des Emprunts à rembourser par le Trésor .. 5,848,926

Amortissement des Emprunts à rembourser par le Trésor .. 3,111,374

Charges annuelles des Emprunts contractés à des conditions
diverses 150,000

TOTAL pour les Emprunts spéciaux *Francs* 9,110,300

3°. *Intérêts de Capitaux Remboursables à divers Titres.*

Intérêts de Capitaux de Cautionnement 7,000,000

Intérêts de la Dette Flottante du Trésor 22,000,000

TOTAL pour les Intérêts de Capitaux Remboursables à divers
titres *Francs* 29,000,000

4°. *Dette Viagère.*

Rentes Viagères 2,000,000

Pensions de la Pairie, de Veuves de Pairs et d'Anciens Sénateurs 450,000

Pensions Civiles. (Décret du 13 Septembre, 1806) 1,255,000

Pensions à Titre de Récompense Nationale 365,000

Pensions Militaires 39,300,000

Pensions Ecclésiastiques 535,000

Pensions de Donataires dépossédés 1,235,000

Pensions accordées sur la Caisse de Vétérance de l'Ancienne
Liste Civile. (Loi du 29 Juin, 1835) 600,000

Pensions et Indemnités accordées à des Employés Réformés de
divers Ministères 567,940

Subvention aux Fonds de Retraite des Finances 8,240,000

Secours aux Pensionnaires de l'Ancienne Liste Civile .. 400,000

TOTAL pour la Dette Viagère *Francs* 54,947,940

Récapitulation de la Ire Partie.—Dette Publique.

1° Dette Consolidée et Amortissement 291,287,951

2° Emprunts Spéciaux pour Canaux et Travaux divers .. 9,110,300

3° Intérêts de Capitaux Remboursables à divers titres .. 29,000,000

4° Dette Viagère 54,947,940

TOTAL de la Ire Partie *Francs* 384,346,191

MINISTÈRES ET SERVICES. MONTANT DES
CREDITS ACCORDÉS.

Ile Partie.—Dotations.

					<i>Francs.</i>	<i>Francs.</i>
Liste Civile	..	..	..	..	..	13,300,000
Chambre des Pairs	..	..	..	..	..	790,000
Chambre des Députés	..	..	..	..	..	832,150
TOTAL de la Ile Partie					<i>Francs</i>	14,922,150

IIIe Partie.—Services Généraux des Ministères.

MINISTÈRE DE LA JUSTICE ET DES CULTES.

Ire Partie.—Dépenses de la Justice.

Administration Centrale.

Personnel	..	..	..	..	467,500	
Matériel	..	..	..	..	112,000	
						579,500

Conseil d'Etat.

Personnel	..	..	..	..	769,800	
Matériel	..	..	..	..	34,000	
						803,800

Cours et Tribunaux.

Cour de Cassation	975,800	
Cours Royales	..	..	..	..	5,677,400	
Cours d'Assises	..	..	..	..	154,400	
Tribunaux de Première Instance	..	..	..	..	7,790,795	
Tribunaux de Commerce	..	..	..	..	179,900	
Tribunaux de Police	..	..	..	..	62,900	
Justices de Paix	..	..	..	..	6,059,800	
						20,900,795

Frais de Justice.

Frais de Justice Criminelle et de Statistiques	4,400,000	
Dépenses Diverses.—Secours temporaires à d'Anciens Magistrats et Employés de l'Administration Centrale, à leurs veuves et orphelins n'ayant pas droit à pension; dépenses extraordinaires et imprévues; indemnité au "Journal des Savants"	..	..	..	..	55,000	
Dépenses des Exercices Clos	..	..	..	..		Mémoire.

TOTAL des Dépenses de la Justice *Francs* 26,739,095

Ile Partie.—Dépenses des Cultes.

Administration Centrale.

Personnel des Bureaux des Cultes	..	..	..	..	198,000	
Matériel et Dépenses diverses des Bureaux des Cultes	..	..	..	..	27,000	
Subvention au Fonds des Retraites des Employés des Cultes	..	..	..	..	17,000	
						242,00

MINISTÈRES ET SERVICES.

MONTANT DES
CREDITS ACCORDÉS.*Culte Catholique.*

	<i>Francs.</i>	<i>Francs.</i>
Traitements et Dépenses concernant les Cardinaux, Archevêques, et Evêques	1,057,000	
Traitements et Indemnités des Membres des Cha- pitres et du Clergé Paroissial	30,665,600	
Chapitre Royal de Saint-Denis	112,000	
Bourses des Séminaires	1,000,000	
Secours à des Ecclésiastiques et à d'Anciennes Religieuses	880,000	
Dépenses de Service Intérieur des Edifices Diocésains	537,000	
Entretien, acquisitions, constructions et grosses ré- parations des Edifices Diocésains	2,000,000	
Secours pour Acquisitions ou Travaux concernant les Eglises et Presbytères	1,500,000	
Secours à divers Etablissements Ecclésiastiques ..	156,000	
Dépenses accidentelles	5,000	
Restauration de la Cathédrale de Paris. (Loi du 19 Juillet, 1845.) .. .. .	..
	<hr/>	37,912,900

Cultes non Catholiques.

Dépenses du Personnel des Cultes Protestants ..	1,171,050	
Dépenses du Matériel des Cultes Protestants ..	100,000	
Frais d'Administration du Directoire-Général de la Confession d'Augsbourg	16,000	
Dépenses du Culte Israélite	122,883	
	<hr/>	1,409,933
Dépenses des Exercices Clos .. .. .	..	Mémoire.
		<hr/>
TOTAL des Dépenses des Cultes	<i>Francs</i>	39,564,833

RECAPITULATION.

Ire Partie.—Dépenses de la Justice	26,739,095
Ile Partie.—Dépenses des Cultes	39,564,833
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TOTAL GENERAL	<i>Francs</i> 66,303,928

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Administration Centrale.

Personnel	564,122	
Matériel	158,000	
	<hr/>	722,122

Traitements des Agents du Service Extérieur.

Traitements des Agents Politiques	2,816,800	
Traitements des Agents Consulaires	2,466,000	
	<hr/>	5,282,800
Traitements des Agents en inactivité	30,000	
	<hr/>	5,312,800

MINISTÈRES ET SERVICES.				MONTANT DES CREDITS ACCORDÉS.	
<i>Dépenses variables.</i>				<i>Francs.</i>	<i>Francs.</i>
Frais d'Etablissement..	..	..	..	150,000	
Frais de Voyage et de Courriers	..	..	..	600,000	
Frais de Service	..	..	..	1,098,000	
Présents Diplomatiques	..	..	..	40,000	
Indemnités et Secours	..	..	..	52,500	
Dépenses Secrètes	..	..	..	650,000	
Missions Extraordinaires	..	..	..	150,000	
Dépenses imprévues	..	..	..	30,000	
					2,770,500
Subvention à la Caisse des Retraites	..	..	..	..	80,000
Dépenses des Exercices Clos	..	..	..	..	Mémoire
TOTAL				Francs	8,885,422

MINISTÈRE DE L'INSTRUCTION PUBLIQUE.

Administration Centrale.

Personnel	..	..	..	..	..	439,500
Matériel	..	..	..	..	..	126,000

Université.

Conseil Royal et Inspecteurs-Généraux de l'Université..	..					274,000
Services Généraux	..	..	..	..	..	346,700
Administrations Académiques	..	..	..	..	..	741,300
Instruction Supérieure. (Facultés.)	..	..	..	..	..	2,967,356
Instruction Secondaire. (Frais Généraux)	..	..	..	..	..	115,000
Instruction Secondaire. (Collèges Royaux et Communaux.)	..	..	..	..	..	2,406,700
Instruction Primaire. (Inspection.)	..	..	..	..	..	582,000
Instruction Primaire. (Dépenses imputables sur les Fonds Généraux du Budget)	..	..	..	..	..	2,400,000
Instruction Primaire. (Dépenses imputables sur les Fonds Départementaux)	..	..	..	..	..	4,235,000
Instruction Primaire. (Dépenses imputables sur les Ressources Spéciales des Ecoles Normales Primaires)	..	..	..	..	..	550,000

Sciences et Lettres.

Institut	..	..	..	..	..	584,800
Collège de France	..	..	..	..	..	180,044
Muséum d'Histoire Naturelle	..	..	..	..	..	504,150
Etablissements Astronomiques	..	..	..	..	..	121,760
Bibliothèque Royale. (Dépenses Ordinaires)..	..	..	..	..	..	283,600
Bibliothèque Royale. (Crédit Extraordinaire.—10e Annuité)	..	..	..	..	..	105,000
Bibliothèques Publiques	..	..	..	..	..	170,223
Académie Royale de Médecine	..	..	..	..	..	51,500
Ecole des Chartes	..	..	..	..	..	35,400
Ecole Spéciale des Langues Orientales vivantes et Cours d'Arabe vulgaire à Marseille	..	..	..	..	..	55,800
Etablissements divers. (Cours d'Archéologie à la Bibliothèque Royale ; Jardins Botaniques d'Avignon et d'Ajaccio.)	..	..	..	..	..	20,400

MINISTÈRES ET SERVICES.						MONTANT DES CREDITS ACCORDÉS.
						<i>Francs.</i>
Souscriptions .. .. .	..	..	..	..	..	180,000
Sociétés Savantes .. .. .	..	..	..	..	..	50,000
Voyages et Missions Scientifiques .. .. .	..	..	..	..	..	112,000
Encouragements et Secours aux Savants et Hommes de Lettres ..						249,800
Recueil et Publication des Documents inédits de l'Histoire Nationale .. .. .	..	..	..	..	..	150,000
Dépenses des Exercices Clos .. .. .	..	..	..	..	..	Mémoire.
TOTAL						<i>Francs</i> 18,038,033

MINISTÈRE DE L'INTÉRIEUR.

*Services Imputables sur les Fonds Généraux du Budget.**Administration Centrale.*

Traitement du Ministre et Personnel de l'Adminis- tration Centrale.	<i>Francs.</i>	
Matériel et Dépenses diverses des Bureaux ..	858,000	
Subvention à la Caisse des Retraites des Employés de l'Administration Centrale	270,000	
Archives du Royaume	100,000	
	100,000	
		1,328,000

Services Divers.

Dépenses Secrètes Ordinaires de Police Générale	932,000	
Dépenses du Personnel des Lignes Télégraphiques	1,010,700	
Dépenses du Matériel des Lignes Télégraphiques. .	144,800	
Dépenses Générales du Personnel des Gardes Na- tionales	147,000	
Dépenses Générales du Matériel des Gardes Na- tionales	26,000	
Dépenses relatives à la surveillance de la Librairie provenant de l'Etranger et des Contrefaçons. .	18,000	
		2,278,500

Beaux-Arts.

Etablissements des Beaux-Arts	472,000	
Ouvrages d'Art et Décoration d'Edifices Publics ..	500,000	
Conservation d'Ancien Monuments Historiques ..	800,000	
Encouragements et Souscriptions concernant les Beaux-Arts	211,000	
		1,983,000
Indemnités annuelles ou Secours accordés à des Artistes, Auteurs Dramatiques, Compositeurs, et à leurs Veuves	137,700	
Subventions aux Théâtres Royaux	1,284,200	
Subvention à la Caisse des Pensions de l'Académie Royale de Musique	200,000	
Subvention à la Caisse des Retraites du Conserva- toire de Musique	10,000	
		1,631,900

MINISTÈRES ET SERVICES.		MONTANT DES CREDITS ACCORDÉS.	
<i>Secours et Subventions.</i>		<i>Francs.</i>	<i>Francs.</i>
Secours aux Etablissements Généraux de Bien- faisance	559,500		
Secours Généraux aux Hospices, Bureaux de Charité et Institutions de Bienfaisance	297,000		
Secours à des Personnes dans l'Indigence, et qui ont des droits à la bienveillance du Gouverne- ment: Frais de Rapatriement de Français Indigents, &c.	217,000		
Subventions pour construction de Ponts de Péage sur les Chemins Vicinaux	400,000		
Secours aux Sociétés de Charité Maternelle	120,000		
Secours aux Etrangers Réfugiés en France	1,600,000		
Secours aux Condamnés Politiques sous la Restau- ration	225,000		
Secours aux Combattants de Juillet, 1830, et aux Orphelins de Juillet, 1830, et de Juin, 1832	22,000		
			3,440,560
<i>Services Départementaux à la Charge des Fonds Généraux du Budget.</i>			
<i>Administration Départementale.</i>			
Traitements et Indemnités aux Fonctionnaires Administratifs des Départements	3,211,200		
Traitements et Indemnités aux Commissaires de Police.. .. .	100,000		
Abonnements pour frais d'Administration des Pré- fectures et Sous-Préfectures	5,086,000		
Inspections Administratives de Services Départe- mentaux	130,000		
			8,527,200
<i>Détention des Condamnés.</i>			
Dépenses Ordinaires des Condamnés à plus d'un an de détention, renfermés dans les Maisons Cen- trales de Force et de Correction ou autres Prisons; Réparations des Bâtiments, Mobi- lier, &c.	5,300,000		
Remboursements sur le produit du travail des Condamnés détenus dans les Maisons Centrales de Force et de Correction	1,400,000		
Transport des Condamnés aux Bagnes et aux Mai- sons Centrales de Force et de Correction; Re- prises d'Evadés	500,000		
			7,200,000
<i>Matériel des Cours Royales.</i>			
Loyers, entretien et réparations de bâtiments, mobilier et menues dépenses des Cours Royales; Frais d'occupation du Palais de Jus- tice de Paris par la Cour de Cassation	400,000		

MINISTÈRES ET SERVICES.	MONTANT DES CREDITS ACCORDÉS.	
	Francs.	Francs.
Construction d'un nouveau Palais pour la Cour Royale de Pau	165,548	565,548
Dépenses des Exercices Clos		Mémoire.
TOTAL des Dépenses imputables sur les Fonds Généraux du Budget	Francs	26,954,708

SERVICE DÉPARTEMENTAL IMPUTABLE SUR RESSOURCES SPÉCIALES.

Dépenses Ordinaires.

Dépenses imputables sur le produit des centimes additionnels concédés aux Départements (10 centimes)	19,375,200	
Dépenses imputables sur le produit du Fonds Commun à répartir par Ordonnance Royale (6 centimes $\frac{1}{10}$)	12,363,840	
Dépenses imputables sur les produits éventuels ordinaires	1,106,000	32,845,040

Dépenses Facultatives.

Dépenses d'utilité Départementale imputables sur le produit des centimes facultatifs votés par les Conseils Généraux. (Maximum 5 cent. dans 85 Départements, et 12 cent. dans la Corse)..	9,687,600	
Dépenses sur le produit du Fonds Commun à répartir en secours par le Règlement des Budgets Départementaux, ($\frac{2}{10}$ de cent.) ..	1,159,110	
Dépenses sur les produits éventuels facultatifs ..	832,000	
Dépenses sur Subventions Communales et Particulières, et autres produits destinés à des Travaux d'Utilité Départementale.. ..	1,453,000	13,131,710

Dépenses Extraordinaires.

Dépenses imputables sur le produit des centimes additionnels extraordinaires imposés en vertu de lois spéciales	16,168,300	
Dépenses sur les Fonds d'Emprunts autorisés par des lois particulières	3,700,000	19,868,300

Dépenses Spéciales.

Dépenses des Chemins Vicinaux imputables sur le produit des centimes additionnels spéciaux (maximum 5 cent.)	12,065,000	
Dépenses sur contingents communaux et souscriptions particulières	11,700,000	23,765,000
TOTAL des Dépenses Départementales imputables sur ressources spéciales		89,610,050

MINISTÈRES ET SERVICES.		MONTANT DES CREDITS ACCORDÉS.	
RECAPITULATION.			
		Francs.	
Dépenses imputables sur les fonds généraux du Budget ..	..	26,954,708	
Dépenses Départementales imputables sur ressources spéciales ..	..	89,610,050	
TOTAL GENERAL		Francs	116,564,758
MINISTÈRE DE L'AGRICULTURE ET DU COMMERCE.			
Service Central.		Francs.	
Administration Centrale. (Personnel) ..	..	541,550	
Administration Centrale. (Matériel) ..	..	102,000	
Subvention à deux Caisses de Retraites ..	..	60,000	
			708,550
Agriculture et Haras.			
Ecoles Vétérinaires et Bergeries ..	..	702,500	
Encouragements à l'Agriculture ...	..	1,100,000	
Haras, Dépôts d'Etalons, etc. ..	..	1,497,100	
Remontes des Haras Royaux et Encouragements à l'Industrie particulière ..	..	842,000	
			4,141,600
Manufactures, Commerce Intérieur et Extérieur.			
Conservatoire et Ecoles des Arts et Métiers ..	..		1,165,000
Encouragements aux Manufactures et au Commerce, Missions, &c. ..	..	258,000	
Frais de Surveillance des Sociétés et Agences Tontinières ..	..	20,000	
Encouragements aux Pêches Maritimes ..	..	4,000,000	
Poids et Mesures ..	..	725,000	
			5,003,000
Etablissements Thermaux et Service Sanitaire.			
Entretien des Etablissements Thermaux ..	..	230,000	
Subvention aux Etablissements d'Eaux Minérales dont l'Etat n'est pas Propriétaire ..	..	60,000	
Etablissements et Service Sanitaires ..	..	349,500	
			639,500
Secours.			
Secours aux Colons ..	..	800,000	
Secours pour Pertes Matérielles et Evénements Malheureux ..	..	1,931,850	
			2,731,850
Dépenses des Exercices Clos ..	..		Mémoire.
TOTAL		Francs	14,384,500

MONTANT DES
CREDITS ACCORDES.

MINISTERES ET SERVICES.

MINISTERE DES TRAVAUX PUBLICS.

Ire SECTION.—*Service Ordinaire.*

	<i>Francs.</i>
Traitement du Ministre et Personnel de l'Administration Centrale	549,500
Matériel et Dépenses diverses des Bureaux de l'Administration Centrale	92,000
Personnel du Corps des Ponts et Chaussées	3,318,900
Personnel des Officiers et Maîtres de Ports du Service Maritime et des Inspecteurs de la Navigation	196,000
Personnel des Conducteurs Embrigadés	1,558,000
Personnel du Corps des Mines, Enseignement, Ecoles .. .	560,300
Personnel des Gardes-mines	80,000
Matériel des Mines (Services divers)	70,000
Conseil des Bâtiments Civils, et Bureau de Contrôle	69,400
Subvention à la Caisse des Retraites.. .. .	250,000
Routes Royales et Ponts	32,500,000
Navigation Intérieure (Rivières et Quais)	9,410,000
Navigation Intérieure (Canaux)	5,100,000
Ports Maritimes, Phares et Fanaux.. .. .	5,550,000
Bacs, Dunes et Semis, Etudes d'Irrigations et de Dessèchements..	750,000
Chemins de Fer. (Frais de Police et de Surveillance)	643,950
Continuation des Etudes de Chemins de Fer	50,000
Subventions aux Compagnies pour Travaux par voie de concession de Péage	450,000
Frais Généraux du Service des Départements, Secours, etc. ..	69,000
Entretien et Réparations Ordinaires des Bâtiments Civils d'intérêt général	560,000
Constructions et grosses réparations d'intérêt général. (Bâtiments Civils)	780,000
Travaux de Construction, d'Achèvement, ou de grande réparation de divers édifices publics. (Loi du 19 Juillet, 1843) ..	170,000
Agrandissement et réparation d'Etablissements d'intérêt général. (Loi du 19 Juillet, 1845)	30,000
Achèvement de divers Edifices Publics. (Loi du 3 Juillet, 1846)	700,000
Frais de Publication des Comptes rendus des Ponts et Chaussées, des Mines, et des Monuments Publics	15,000
Dépenses des Exercices Clos	Mémoire.
TOTAL de la Ire Section ..	63,522,050

Ile SECTION. — *Service Extraordinaire.*Ire Partie.—*Travaux régis par la Loi du 25 Juin, 1841.*

Routes Royales classées avant le 1er Janvier, 1837 .. .. .	..
Routes Royales classées depuis le 1er Janvier, 1837 .. .. .	..
Routes Royales et Ports Maritimes de la Corse	748,500
Routes Stratégiques de l'Ouest .. .. .	..
Ponts .. .. .	..
Amélioration de Rivières .. .. .	..
Amélioration de Rivières. (Loi du 8 Juillet, 1840) .. .. .	..
Canaux du Nivernais et du Berry .. .. .	..

MINISTÈRES ET SERVICES.					MONTANT DES CREDITS ACCORDÉS. <i>Francs.</i>
Etudes de Navigation	..	..	..	..	..
Amélioration de Ports Maritimes	..	..	..	..	1,700,000
Chemins de Fer (garantie d'intérêts et prêts aux Compagnies Concessionnaires de Chemins de Fer)	..	..	..	..	..
Chemins de Fer construits par l'Etat	..	..	..	..	..
Etablissement de Nouveaux Canaux	..	..	..	..	..
Etablissement de Nouveaux Canaux. (Loi du 8 Juillet, 1840)	..	..	..	..	..
Dépenses des Exercices Clos	..	..	..	..	Mémoire.
TOTAL de la Ire Partie					2,448,500

Ile Partie.—Travaux régis par la Loi du 11 Juin, 1842.

Etablissement de grandes Lignes de Chemins de Fer	..	..	..	..	23,200,000
Prêts et Subventions aux Compagnies des Chemins de Fer de Paris à Rouen et de Rouen au Havre	..	..	..	..	..
Travaux de Routes Royales. (Loi du 5 Août, 1844)	..	..	..	..	..
Ports Maritimes, phares et fanaux. (Loi du 5 Août, 1844, 16 et 19 Juillet, 1845)	..	..	..	..	2,000,000
Achèvement et Perfectionnement des Routes Royales. (Loi du 30 Juin, 1845)	..	..	..	..	15,000,000
Construction de 3 Edifices à affecter à des services d'intérêt général. (Loi du 15 Juillet, 1845)	..	..	..	..	..
Construction de divers Ponts. (Loi du 19 Juillet, 1845)	..	..	..	..	700,000
Etablissement de nouveaux Canaux. (Loi du 5 Mai, 1846)	..	..	..	..	5,500,000
Amélioration de Rivières. (Loi du 31 Mai, 1846)	..	..	..	..	1,000,000
TOTAL de la Ile Partie					47,400,000
REPORT du Total de la Ire Partie					2,448,500
TOTAL de la Ile Section					49,848,500

RECAPITULATION.

Ire Section.	Service Ordinaire	..	..	..	63,522,050
Ile ———	Service Extraordinaire	..	..	..	49,848,500
TOTAL GENERAL					113,370,550

MINISTÈRE DE LA GUERRE.

Ire SECTION.—Service Ordinaire.

Administration Centrale. (<i>Personnel.</i>)	..	..	..	..	2,020,200
Administration Centrale. (<i>Matériel.</i>)	..	..	..	..	317,150
Frais Généraux d'Impressions	..	..	..	..	235,000
Etats-Majors	..	..	..	..	17,958,569
Gendarmerie	..	..	..	..	21,356,878
Subvention à la Ville de Paris pour la Garde Municipale	..	..	..	..	1,997,006
Recrutement et Réserve	..	..	..	..	477,000
Justice Militaire	..	..	..	..	825,187
Solde et Entretien des Troupes	..	..	..	..	147,700,782
Habillement et Campement	..	..	..	..	11,607,886

MINISTÈRES ET SERVICES.

MONTANT DES
CREDITS ACCORDÉS.
Francs.

Lits Militaires	5,335,888
Transports Généraux	1,955,234
Remonte Générale	6,390,660
Harnachement	664,825
Fourrages	29,115,103
Solde de non-activité et solde de réforme	452,800
Secours	1,103,000
Dépenses temporaires	369,600
Subvention aux Fonds de Retraite des Employés	526,000
Dépôt Général de la Guerre et Nouvelle Carte de France	149,000
Matériel de l'Artillerie : <i>Francs.</i>	
Dépenses Ordinaires	6,962,707
Travaux Extraordinaires en Algérie	150,000
	<hr/>
	7,112,707
Poudres et Salpêtres. (<i>Personnel</i>)	532,900
Poudres et Salpêtres. (<i>Matériel</i>)	4,274,292
Matériel du Génie. (Divisions Territoriales de l'Intérieur)	8,273,500
Matériel du Génie. (Algérie) :	
Dépenses Ordinaires	3,146,000
Travaux Extraordinaires	2,500,000
	<hr/>
	5,646,000
Ecoles Militaires	2,162,460
Invalides de la Guerre	2,768,568
Gouvernement et Administration Générale de l'Algérie	2,386,700
Services Militaires Indigènes en Algérie	7,429,922
Services Maritimes en Algérie	492,000
Services Civils en Algérie	4,511,800
Colonisation en Algérie	1,715,000
Travaux Civils en Algérie :	
Direction des Travaux Publics	87,000
Personnel des divers Services	445,465
Travaux Ordinaires	810,300
Travaux Extraordinaires :	
Dessèchements et Irrigations	750,000
Routes et Ponts	1,500,000
Aqueducs, Canaux, et Fontaines, &c.	200,000
Port d'Alger	2,000,000
Ports Secondaires, Phares et Fanaux	645,000
Bâtiments Civils	770,000
Travaux sur le Territoire Mixte et sur le Territoire Arabe	300,000
	<hr/>
	7,507,765
Dépenses Secrètes	250,000
Dépenses des Exercices Clos	Mémoire
	<hr/>
TOTAL de la Ire Section	305,630,382

IIe SECTION.—Service Extraordinaire.

Ire PARTIE.—Travaux régis par la Loi du 25 Juin, 1841.

Travaux de Fortification de Paris .. .. .	..
Travaux de Fortification des places autres que Paris	3,380,000

MINISTÈRES ET SERVICES.				MONTANT DES CREDITS ACCORDÉS.
				<i>Francs.</i>
Travaux pour les Bâtimens Militaires	..	..	..	8,820,000
Constructions pour le Service de l'Artillerie	..	..	..	650,000
Constructions aux Etablissements des Poudres et Salpêtres	..	..	..	..
TOTAL de la Ire Partie				12,850,000
Ile PARTIE.— <i>Travaux régis par la Loi du 11 Juin, 1842.</i>				
Travaux de Fortification du Havre..	..	..	..	800,000
Armement des Fortifications de Paris	..	..	..	1,130,000
Travaux Extraordinaires de Fortifications	..	..	..	1,600,000
Reconstruction de l'Arsenal d'Amiens	..	..	..	..
TOTAL de la Ile Partie				3,530,000
REPORT du Total de la Ire Partie				12,850,000
TOTAL de la Ile Section				16,380,000
RECAPITULATION.				
Ire SECTION.—Service Ordinaire	..	..	..	305,630,382
Ile SECTION.—Service Extraordinaire	..	..	..	16,380,000
TOTAL GENERAL				<i>Francs</i> 322,010,382

MINISTÈRE DE LA MARINE ET DES COLONIES.

Ire SECTION.—*Service Ordinaire.*SERVICE MARINE. — *Service Central.*

Administration Centrale. (<i>Personnel.</i>)	..	..	962,750	
Administration Centrale. (<i>Matériel.</i>)	..	..	173,020	
				1,135,770
<i>Service Général.</i>				
Officiers Militaires et Civils	..	..	7,614,857	
Maistrance, Gardiennage et Surveillance..	..	..	1,767,321	
Solde et Habillement des Equipages et des Troupes	..	..	29,864,020	
Hôpitaux	..	..	1,738,240	
Vivres	..	..	11,959,646	
Justice Maritime	..	..	91,710	
Salaires d'Ouvriers	..	..	10,300,000	
Approvisionnements Généraux de la Flotte	..	..	25,200,000	
Travaux Hydrauliques et Bâtimens Civils	..	..	3,712,000	
Poudres	..	..	433,912	
Ecole Navale en Rade de Brest	..	..	103,400	
Affrètemens et Transports par mer	..	..	340,000	
Chiourmes	..	..	329,000	
Frais Généraux d'Impressions	..	..	275,000	
Frais de Voyage et Dépenses diverses	..	..	1,432,284	
Dépenses Temporaires	..	..	100,000	
				95,261,390

MINISTÈRES ET SERVICES. MONTANT DES
CREDITS ACCORDÉS.

Service Scientifique.

	<i>Francs.</i>	<i>Francs.</i>
Sciences et Arts Maritimes. (<i>Personnel.</i>) ..	481,960	
Sciences et Arts Maritimes. (<i>Matériel.</i>) ..	500,600	
	<hr/>	982,560
TOTAL des dépenses du Service Marine ..	<i>Francs</i>	97,379,720

Service Colonial.

Dépenses des Services Militaires aux Colonies. (<i>Personnel.</i>)	6,090,950	
Dépenses des Services Militaires aux Colonies. (<i>Matériel.</i>)	2,322,585	
	<hr/>	8,413,535
Dépenses des Colonies régies par la Loi du 25 Juin, 1841. (Martinique, Guadeloupe, Guyane Française et Bourbon :)		
Service Général	6,340,187	
Service Local	5,121,653	
	<hr/>	11,461,840
Subventions à divers Etablissements Coloniaux .. .. .	..	1,250,700
Dépenses Générales des Etablissements Français de l'Océanie .. .. .	..	1,735,100
	<hr/>	
TOTAL des dépenses du Service Colonial	<i>Francs</i>	22,861,175
Dépenses des Exercices Clos .. .. .	..	Mémoire.

IIe SECTION.—*Service Extraordinaire.*

Travaux régis par la Loi du 25 Juin, 1841.

Fort Boyard .. .. .	..	..
Casernes dans les Ports de Brest, Rochefort, et Toulon..	..	..
Etablissements à créer à Castineau .. .. .	..	..
Digue et Arsenal de Cherbourg .. .. .	..	5,000,000
	<hr/>	
TOTAL de la Ire Partie.	<i>Francs</i>	5,000,000

Travaux régis par la Loi du 11 Juin, 1842.

Curage et défense de la Petite Rade de Toulon. (Loi du 19 Juillet, 1845) .. .. .	..	..
Amélioration de la Rade de Port-Vendres. (Loi du 19 Juillet, 1845)	..	..
Salaires d'Ouvriers. (Loi du 3 Juillet, 1846) .. .. .	..	1,740,000
Approvisionnements généraux de la Flotte. (Loi du 3 Juillet, 1846) .. .. .	..	7,560,000
Approvisionnement de Prévoyance. (Loi du 3 Juillet, 1846) ..	..	4,000,000
	<hr/>	
TOTAL de la IIe Section	<i>Francs</i>	18,300,000

MINISTÈRES ET SERVICES.				MONTANT DES CREDITS ACCORDÉS.
RECAPITULATION.				
Ire Section. Service Ordinaire				<i>Francs.</i>
Service Marine	97,379,720			
Service Colonial	22,861,175			
				120,240,895
IIe Section. Service Extraordinaire				18,300,000
TOTAL GENERAL	<i>Francs</i>			138,540,895

MINISTÈRE DES FINANCES.

Cour des Comptes.

Personnel	1,192,400			<i>Francs.</i>
Matériel et Dépenses Diverses	70,495			
				1,262,895

Administration Centrale des Finances.

Personnel	5,755,600			
Matériel	622,100			
Dépenses Diverses	301,141			
				6,678,841

Monnaies et Médailles. (Service des Etablissements Monétaires.)

Personnel	150,400			
Matériel	78,100			
Dépenses Diverses	3,900			
				232,400

Service de Trésorerie.

Frais de Trésorerie	3,450,000			
Traitements et Frais de Service des Recouvreurs Généraux et Particuliers des Finances	5,081,000			
Traitements et Frais de Service des Payeurs dans les Départements	1,060,000			
				9,591,000
Dépenses des Exercices Clos				Mémoire.
TOTAL	<i>Francs</i>			17,765,136

RECAPITULATION DE LA IIIe PARTIE.

*Services Généraux des Ministères.**Service Ordinaire.*

Ministère de la Justice et des Cultes :	<i>Francs.</i>			
Dépenses de la Justice	26,739,095			
Dépenses des Cultes	39,564,838			
				66,303,928
Ministère des Affaires Etrangères	8,885,422			
Ministère de l'Instruction Publique	18,038,038			

MINISTÈRES ET SERVICES.			MONTANT DES CREDITS ACCORDÉS.	
Ministère de l'Intérieur :	Francs.		Francs.	Francs.
Dépenses imputables sur les Fonds Généraux du Budget ..	26,954,708			
Dépenses départementales imputables sur ressources spéciales	89,610,050			
			116,564,758	
Ministère de l'Agriculture et du Commerce ..			14,384,500	
Ministère des Travaux Publics ..			63,522,050	
Ministère de la Guerre ..			305,630,382	
Ministère de la Marine ..			120,240,895	
Ministère des Finances ..			17,765,136	
				731,335,104
<i>Service Extraordinaire.</i>				
<i>Travaux régis par la Loi du 25 Juin, 1841.</i>				
Ministère des Travaux Publics ..			2,448,500	
Ministère de la Guerre ..			12,850,000	
Ministère de la Marine ..			5,000,000	
				20,298,500
<i>Travaux régis par la Loi du 11 Juin, 1842.</i>				
Ministère des Travaux Publics ..			47,400,000	
Ministère de la Guerre ..			3,530,000	
Ministère de la Marine ..			13,300,000	
				64,230,000
TOTAL de la IIIe Partie			Francs	815,863,604

IVe Partie.—Frais de Régie, de Perception et d'Exploitation des Impôts et Revenus Publics.

Contributions Directes, Taxes Perçues en vertu de Rôles et Cadastre.

Service Administratif des Contributions directes et autres Taxes.

	Francs.	
Personnel ..	2,422,700	
Dépenses Diverses ..	1,637,938	
		4,060,638

Cadastre.

Frais d'Arpentage et d'Expertise :

Dépenses à la Charge du Fonds Commun ..	Francs.	
	150,000	
Dépenses imputables sur le Produit des Centimes Facultatifs votés par les Conseils-Généraux des Départements ..	574,000	
		724,000
Frais de Mutations Cadastreales ..	600,000	
		1,324,000
		5,384,638

MONTANT DES
CREDITS ACCORDES.

MINISTERES ET SERVICES.

Frais de Perception des Contributions directes et autres Taxes.

Francs.

Remises aux Percepteurs ; frais de distribution de Premier Avertissement ; frais Judiciaires et Secours 11,938,572

Enregistrement, Domaines, et Timbre. (Service Administratif, de Perception et d'Exploitation dans les Départements.)

Enregistrement et Domaines.

	<i>Francs.</i>	<i>Francs.</i>
Personnel	9,272,800	
Matériel	308,500	
Dépenses Diverses	806,300	
	10,387,600	

Timbre.

Personnel	427,700	
Matériel et Dépenses Diverses ..	529,400	
	957,100	
		11,344,700

Forêts. (Service Administratif et de Surveillance dans les Départements.)

Personnel	3,637,900	
Matériel	1,268,700	
Dépenses Diverses	526,900	
	5,433,500	

Douanes. (Service Administratif et de Perception dans les Départements.)

Personnel	24,314,100	
Matériel	595,300	
Dépenses Diverses	1,444,250	
	26,353,650	

Contributions Indirectes et Poudres à Feu. (Service Administratif et de Perception dans les Départements.)

Contributions Indirectes.

Personnel	20,091,878	
Matériel	452,100	
Dépenses Diverses	1,545,000	
Avances Recouvrables	952,000	
	23,040,978	

Poudres à Feu.

Personnel	75,000	
Matériel et Dépenses Diverses ..	3,619,500	
	3,694,500	
		26,735,478

Tabacs. (Exploitation.)

Personnel	1,007,000	
Matériel	6,229,780	
Achats et Transports de Tabacs ..	27,700,000	
Dépenses Diverses	265,000	
	35,201,780	

MINISTÈRES ET SERVICES. MONTANT DES CREDITS ACCORDÉS.

Postes. (Service Administratif de Perception et d'Exploitation dans les Départements.)

Administration et Perception.

			<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Personnel	..	..	11,715,320		
Matériel	..	..	897,000		
Dépenses Diverses	..	..	1,424,324		
				14,036,644	
<i>Transports des Dépêches.</i>					
Personnel	..	..	2,788,468		
Matériel	..	..	12,119,190		
Dépenses Diverses	..	..	5,555,875		
				20,463,533	
					34,500,177
TOTAL de la IVe Partie				<i>Francs</i>	156,892,495

Ve Partie.—Remboursements et Restitutions, Non-valeurs, Primes et Escomptes.

Restitutions et Non-Valeurs :

Contributions Directes :

<i>Restitutions de Fonds Commu-</i>					
<i>naux</i>			44,187,120		
<i>Non-valeurs et Réimpositions</i>			5,468,110		
<i>Restitutions pour Propriétés</i>					
<i>démolies après la Confec-</i>					
<i>tion des Rôles</i>			100,000		
				49,755,230	
<i>Taxes perçues en vertu de Rôles</i>	..	..	}
<i>Taxes Degrèvements et Non-valeurs</i>	..	..		17,000	
					49,772,230
<i>Remboursements sur Produits Indirects et Divers</i>	..	..			2,366,000
<i>Répartitions des Produits de Plombage, d'Estampillage, &c., en</i>					
<i>matière de Douanes .. ..</i>	..	..			1,250,000
<i>Répartitions de Produits d'Amendes, Saisies et Confiscations, attri-</i>					
<i>bues à divers .. ..</i>	..	..			3,662,000
<i>Primes à l'Exportation de Marchandises</i>	..	..			15,000,000
<i>Escomptes sur Divers Droits</i>	..	..			2,135,500
TOTAL de la Ve Partie				<i>Francs.</i>	74,185,730

RECAPITULATION GENERALE DES DEPENSES.

Service Ordinaire :

<i>Dette Publique .. ..</i>	..	..	384,346,191	
<i>Dotations .. ..</i>	..	..	14,922,150	
<i>Services des Ministères .. ..</i>	..	..	731,335,104	
<i>Frais de Régie, de Perception, et d'Exploita-</i>				
<i>tion des Impôts et Revenus Publics ..</i>			156,892,495	
<i>Remboursements et Restitutions, Non-Valeurs,</i>				
<i>Primes et Escomptes .. ..</i>	..	..	74,185,730	
				1,361,681,670

MINISTÈRES ET SERVICES.				MONTANT DES CREDITS ACCORDÉS
Service Extraordinaire :				<i>Francs.</i>
Travaux régis par la Loi du 25 Juin, 1841	..	..	..	20,298,500
Travaux régis par la Loi du 11 Juin, 1842	..	..	..	64,230,000
TOTAL GENERAL des Dépenses de l'Exercice, 1848				<i>Francs.</i> 1,446,210,170

(Etat B.)—TABLEAU des Crédits ouverts sur l'Exercice 1848, aux Services spéciaux portés pour Ordre au Budget.

MINISTÈRE DE LA JUSTICE ET DES CULTES.

Légion d'Honneur.

Grande Chancellerie. (<i>Personnel</i>) ..	..	..	..	166,050
Grande Chancellerie. (<i>Matériel</i>) ..	..	..	..	44,950
Traitements des Membres de l'Ordre ..	..	..	..	5,366,000
Supplément de Traitement de 100 Francs aux Membres de l'Ordre, conformément à la Loi du 21 Juin, 1845 ..	..	..	..	841,500
Gratifications aux Membres de l'Ordre ..	..	..	..	60,000
Maison Royale de Saint-Denis. (<i>Personnel</i>)..	..	..	..	117,610
Maison Royale de Saint-Denis. (<i>Matériel</i>) ..	..	..	..	424,000
Succursales de la Légion d'Honneur. (<i>Personnel</i>) ..	..	..	..	20,500
Succursales de la Légion d'Honneur. (<i>Matériel</i>) ..	..	..	..	287,000
Pensions Diverses ..	..	..	..	70,800
Commissions aux Receveurs-Généraux chargés des Payements dans les Départements ..	..	..	..	28,800
Décorations pour les Membres de l'Ordre ..	..	..	..	48,000
Fonds de Secours aux Elèves, à leur Sortie des Maisons d'Education ..	..	..	..	2,000
Dépenses Diverses et Imprévues ..	..	..	..	18,888
Frais relatifs au Domaine d'Ecouen ..	..	..	..	13,000
Dépenses des Exercices Clos ..	..	..	..	Mémoire.
TOTAL				<i>Francs.</i> 7,509,098

Imprimerie Royale.

Administration ..	..	..	..	41,100
Dépenses fixes d'Exploitation ..	..	..	..	228,300
Dépenses d'Exploitation non susceptibles d'une Evaluation fixe ..	..	..	..	3,004,500
Augmentation et Renouvellement du Matériel ..	..	..	..	45,310
Dépenses des Exercices Clos ..	..	..	..	Mémoire.
				3,319,210
Application à faire, aux produits divers du Budget, de l'excédant présumé des Recettes ..	..	..	..	233,790
TOTAL				<i>Francs.</i> 3,553,000

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Chancelleries Consulaires.

Frais de Chancelleries, Honoraires des Chanceliers et Porte sur le Change	326,000
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MINISTÈRES ET SERVICES. **MONTANT DES CREDITS ACCORDÉS.**
Francs.

Versement à effectuer au Trésor, à Titre de Fonds Commun des Chancelleries Consulaires, savoir :		
Portion à employer pour les Chancelleries dont les Recettes seront inférieures aux Dépenses ..	50,000	
Excédant disponible à porter en recette au Budget de l'Etat	24,000	
		<u>74,000</u>
TOTAL	<i>Francs.</i>	<u>400,000</u>

MINISTÈRE DE LA MARINE ET DES COLONIES.

Caisse des Invalides.

Pensions dites Demi-Soldes	2,110,000
Pensions pour Ancienneté et pour Blessures, et Pensions de Veuves	5,535,000
Fonds Annuel de Secours et Subsides à l'Hospice des Orphelines de Rochefort	206,000
Frais d'Administration et de Trésorerie	340,000
Remboursements sur les Anciens Dépôts provenant de Soldes, de parts de Prises, &c.	180,000
Remboursements sur les Anciens Dépôts provenant de Naufrages	50,000
Dépenses Diverses	50,000
TOTAL	<i>Francs.</i> <u>8,471,000</u>

MINISTÈRE DES FINANCES.

Service de la Fabrication des Monnaies et Médailles.

Monnaies.

Frais de Fabrication des Monnaies, payés aux Directeurs	<i>Francs.</i> 719,394
Tolérances en fort sur la Fabrication des Monnaies	30,000
	<u>749,394</u>

Médailles.

Frais de Fabrication, y compris la valeur des Matières.. ..	531,000
	<u>1,280,394</u>

Application à faire aux produits divers du Budget, de l'excédant des Recettes présumées :

Sur les Monnaies	20,100
Sur les Médailles	50,000
	<u>70,100</u>

TOTAL *Francs* 1,350,494

RECAPITULATION.

Ministère de la Justice et des Cultes :	
Légion d'Honneur	7,509,098
Imprimerie Royale	3,553,000
Ministère des Affaires Etrangères :	
Chancelleries Consulaires	400,000

Ministère de la Marine et des Colonies :		<i>Francs.</i>
Caisse des Invalides	8,471,000	
Ministère des Finances :		
Service de la Fabrication des Monnaies et Médailles ..	1,350,494	
		<hr/>
TOTAL GENERAL	<i>Francs.</i>	21,283,592
		<hr/>

Certifié conforme :

*Le Ministre Secrétaire d'Etat au Département
des Finances,*

S. DUMON.

*LOI de France, portant fixation du Budget des Recettes de
l'Exercice 1848.—Neuilly, le 8 Août, 1847.*

Au Palais de Neuilly, le 8 Août, 1847.

LOUIS-PHILIPPE, Roi des Français, à tous présents et à venir,
Salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné
et ordonnons ce qui suit :

TITRE I.—*Impôts autorisés pour l'Exercice 1848.*

ART. I.—Les contributions foncière, personnelle et mobilière, des
portes et fenêtres et des patentes, seront perçues, pour 1848, en
principal et centimes additionnels, conformément à l'Etat A ci-annexé,
et aux dispositions des lois existantes.

Le contingent de chaque département dans les contributions
foncière, personnelle et mobilière, et des portes et fenêtres, est fixé, en
principal, aux sommes portées dans l'Etat B annexé à la présente Loi.

II. Lorsqu'en exécution du paragraphe 4 de l'Article XXXIX de
la Loi du 18 Juillet, 1837, il y aura lieu par le Gouvernement, d'im-
poser d'office, sur les communes, des centimes additionnels pour le
payement des dépenses obligatoires, le nombre de ces centimes ne
pourra excéder le maximum de 10, à moins qu'il ne s'agisse de l'acquit
de dettes résultant de condamnations judiciaires, auquel cas il pourra
être élevé jusqu'à 20.

III. En cas d'insuffisance des revenus ordinaires pour l'établis-
sement des écoles primaires communales, élémentaires ou supérieures,
les Conseils Municipaux et les Conseils Généraux des Départements
sont autorisés à voter, pour 1848, à titre d'imposition spéciale destinée
à l'instruction primaire, des centimes additionnels au principal des
4 contributions directes. Toutefois, il ne pourra être voté, à ce
titre, plus de 3 centimes par les Conseils Municipaux, et plus de 2
centimes par les Conseils Généraux.

IV. En cas d'insuffisance des centimes facultatifs ordinaires, pour
concourir, par des subventions, aux dépenses des chemins vicinaux
de grande communication, et, dans des cas extraordinaires, aux

dépenses des autres chemins vicinaux, les Conseils Généraux sont autorisés à voter, pour 1848, à titre d'imposition spéciale, 5 centimes additionnels aux 4 contributions directes.

V. Continuera d'être faite, pour 1848, au profit de l'Etat et conformément aux lois existantes, la perception

Des droits d'enregistrement, de timbre, de greffe, d'hypothèques, de passeports et de permis de chasse, du produit du visa des passeports, et de la légalisation des actes au Ministère des Affaires Etrangères, et des droits de sceau à percevoir pour le compte du Trésor, en conformité des Lois des 17 Août, 1828, et 29 Janvier, 1831 ;

Du 20ème à payer sur le produit des bois des communes et établissements publics, vendus ou délivrés en nature, pour indemniser l'Etat des frais d'administration de ces bois (Article V de la Loi des Recettes de 1842, du 25 Juin, 1841, et Article VI de la Loi des Recettes de 1846, du 19 Juillet, 1845) ;

Des droits de douanes, y compris celui sur les sels ;

Des contributions indirectes, y compris les droits de garantie, la retenue sur le prix des livraisons de tabacs, autorisée par l'Article XXXVIII de la Loi du 24 Décembre, 1814, les frais de casernement déterminés par la Loi du 15 Mai, 1818, et le prix des poudres, tel qu'il est fixé par les Lois des 16 Mars, 1819, et 24 Mai, 1834 ;

De la taxe des lettres et du droit sur les sommes versées aux caisses des Agents des Postes ;

Du droit annuel imposé aux chefs d'institution et aux maîtres de pension par le Décret du 17 Septembre, 1808 ; des rétributions imposées, par les Décrets du 4ème jour Complémentaire an XII (21 Septembre, 1804), et du 17 Février, 1809, sur les élèves des facultés et sur les candidats qui se présentent pour y obtenir des grades ;

Des rétributions imposées, par la Loi du 21 Germinal an XI (11 Avril, 1803), l'Arrêté du Gouvernement du 25 Thermidor suivant (13 Août de la même année) et l'Ordonnance Royale du 27 Septembre, 1840, aux élèves des Ecoles de Pharmacie et aux Herboristes reçus par ces écoles ;

Du produit des monnaies et médailles ;

Des redevances sur les mines ;

Des redevances pour permission d'usines et de prises d'eau temporaires, toujours révocables sans indemnité, sur les canaux et rivières navigables ;

Des droits de vérification des poids et mesures, conformément à l'Ordonnance Royale du 17 Avril, 1839 ;

Des taxes des brevets d'invention ;

Des droits de chancellerie et de consulat perçus en vertu des tarifs existants ;

D'un décime pour franc sur les droits qui n'en sont point affranchis, y compris les amendes et condamnations pécuniaires, et sur les droits

de greffe perçus, en vertu de l'Ordonnance du 18 Janvier, 1826, par le Secrétaire Général du Conseil d'Etat ;

Des rétributions imposées, pour frais de surveillance, sur les compagnies et agences de la nature des tontines, dont l'établissement aura été autorisé par Ordonnance Royale rendue dans la forme des règlements d'administration publique. (Avis du Conseil d'Etat, approuvé par l'Empereur le 1er Avril, 1809, et Loi des Recettes de 1843) ;

Des droits sanitaires, conformément au tarif annexé à la Loi des Recettes de 1844, en date du 24 Juillet, 1843.

VI. Continuera d'être faite, pour 1848, au profit des départements, des communes, des établissements publics et des communautés d'habitants dûment autorisées, et conformément aux lois existantes, la perception

Des taxes imposées, avec l'autorisation du Gouvernement, pour la surveillance, la conservation et la réparation des digues et autres ouvrages d'art intéressant les communautés de propriétaires ou d'habitants ; des taxes pour les travaux de dessèchement autorisés par la Loi du 16 Septembre, 1807, et des taxes d'affouages, là où il est d'usage et utile d'en établir ;

Des droits de péage qui seraient établis, conformément à la Loi du 14 Floréal an X (4 Mai, 1802), pour concourir à la construction ou à la réparation des ponts, écluses, ou ouvrages d'art à la charge de l'Etat, des départements ou des communes, et pour corrections de rampes sur les routes royales ou départementales ;

Des taxes imposées, avec l'autorisation du Gouvernement, pour subvenir aux dépenses intéressant les communautés de marchands de bois ;

Des droits d'examen et de réception imposés par l'Arrêté du Gouvernement du 20 Prairial an XI (9 Juin, 1803), sur les candidats qui se présentent devant les jurys médicaux pour obtenir le diplôme d'officier de santé ou de pharmacien ;

Des droits établis pour frais de visite chez les pharmaciens, droguistes, et épiciers ;

Des rétributions imposées, en vertu des Arrêtés du Gouvernement du 3 Floréal an VIII (23 Avril, 1800), et du 6 Nivôse an XI (27 Décembre, 1802), sur les établissements d'eaux minérales naturelles, pour le traitement des médecins chargés par le Gouvernement de l'inspection de ces établissements ;

Des contributions imposées par le Gouvernement sur les bains, fabriques et dépôts d'eaux minérales, pour subvenir aux traitements, des médecins inspecteurs desdits établissements (Article XXX de la Loi des Recettes de 1842, du 25 Juin, 1841, et Lois de Finances antérieures) ;

Des rétributions pour frais de visite des aliénés placés volontairement dans des établissements privés (Articles IX de la Loi du 30 Juin, 1838, et XXIX de la Loi du 25 Juin, 1841) ;

Des droits d'octroi, des droits de pesage, mesurage et jaugeage ;

Des droits de voirie dont les tarifs ont été approuvés par le Gouvernement, sur la demande et au profit des communes (Loi du 18 Juillet, 1837) ;

Du 10ème des billets d'entrée dans les spectacles et les concerts quotidiens ;

D'un quart de la recette brute dans les lieux de réunion ou de fête où l'on est admis en payant ;

Des contributions spéciales destinées à subvenir aux dépenses des Bourses et Chambres de Commerce, ainsi que des revenus spéciaux accordés auxdits établissements ;

Des droits de place perçus dans les halles, foires, marchés, abattoirs, d'après les tarifs dûment autorisés (Loi du 18 Juillet, 1837) ;

Des droits de stationnement et de location sur la voie publique sur les ports et rivières et autres lieux publics (Loi du 18 Juillet, 1837) ;

Des taxes de frais de pavage des rues, dans les villes où l'usage met ces frais à la charge des propriétaires riverains (dispositions combinées de la Loi du 11 Frimaire an VII (1 Décembre, 1798), et du Décret de Principe du 25 Mars, 1807, et Article XXVIII de la Loi des Recettes de 1842, du 25 Juin, 1841) ;

Des taxes d'établissement de trottoirs dans les rues et places dont les plans d'alignement ont été arrêtés par Ordonnances Royales, conformément aux dispositions de la Loi du 7 Juin, 1845 ;

Du prix de la vente exclusive, au profit de la caisse des invalides de la marine, des feuilles de rôles d'équipages des bâtiments de commerce, d'après le Tarif du 8 Messidor an XI (27 Juin, 1803) ;

Des frais de travaux intéressant la salubrité publique (Loi du 16 Septembre, 1807) ;

Des droits d'inhumation et de concession de terrains dans les cimetières (Décrets Organiques du 23 Prairial an XII (12 Juin, 1804) et du 18 Août, 1811).

VII. Les droits sur le sel, lorsque la somme à payer excédera 600 francs, pourront être acquittés en obligations cautionnés, moitié à 3 mois, moitié à 6 mois.

VIII. Dans les colonies de la Martinique, de la Guadeloupe, de la Guyane Française et de Bourbon, les recettes de toute nature continueront à être faites, en 1848, conformément aux Lois et Ordonnances actuellement en vigueur.

TITRE II.—*Evaluation des Recettes de l'Exercice 1848.*

IX. Les voies et moyens ordinaires et extraordinaires sont évalués, pour l'Exercice 1848, à la somme de 1,391,276,510 francs, conformément à l'Etat C ci-annexé.

Les ressources affectées aux services spéciaux, portés pour ordre

au budget sont évaluées, pour l'Exercice 1848, à la somme de 21,283,592 francs, conformément à l'Etat D ci-annexé.

X. Les ressources spécialement attribuées au service départemental, par la Loi du 10 Mai, 1838, sont évaluées à la somme de 94,969,050 francs, pour l'Exercice 1848, et leur affectation, par section spéciale, est et demeure déterminée conformément au Tableau E annexé à la présente loi.

XI. Les ressources attribuées au service colonial sont évaluées à la somme de 22,861,175 francs, pour l'Exercice 1848, et leur affectation est et demeure déterminée conformément au Tableau F annexé à la présente loi.

TITRE III.—*Moyens de Service.*

XII. Le Ministre des Finances est autorisé à créer, pour le service de la Trésorerie et les négociations avec la Banque de France, des bons royaux portant intérêt et payables à échéance fixe.

Les bons royaux en circulation ne pourront excéder 275,000,000 francs. Ne sont pas compris dans cette limite les bons royaux délivrés à la caisse d'amortissement en vertu de la Loi du 10 Juin, 1833.

Dans le cas où cette somme serait insuffisante pour les besoins du service, il y sera pourvu au moyen d'une émission supplémentaire, qui devra être autorisée par Ordonnances Royales, lesquelles seront insérées au Bulletin des Lois, et soumises à la sanction législative à l'ouverture de la plus prochaine session des Chambres.

TITRE IV.—*Disposition Particulière.*

XIII. A l'avenir, au fur et à mesure de chaque vacance, les cautionnements des Receveurs-Généraux et des Receveurs-Particuliers des Finances, ainsi que ceux des Percepteurs des Contributions Directes, seront déterminés d'après les bases suivantes :

Cautionnements des Receveurs-Généraux.

Sur Contributions directes :

6 francs pour cent sur les premiers 2,000,000.

4 francs pour cent sur toute somme excédant les premiers 2,000,000.

Sur Produits, indirects et divers :

2 francs pour cent sur les premiers 2,000,000

1 franc pour cent sur toute somme excédant les premiers 2,000,000.

Cautionnements des Receveurs d'Arrondissement.

Sur Contributions directes :

6 francs pour cent sur les premiers 500,000 francs.

4 francs pour cent sur toute somme excédant les premiers 500,000 francs.

Sur Produits indirects et divers :

2 francs pour cent sur les premiers 500,000 francs.

1 franc pour cent sur les 4,500,000 francs suivants.

50 francs pour cent sur toute somme excédant les premiers 5,000,000 francs.

Cautionnements des Percepteurs.

10 francs pour cent sur les premiers 100,000 francs.

6 francs 50 centimes pour cent sur les 400,000 francs suivants.

5 francs pour cent sur toute somme excédant les premiers 500,000 francs.

L'application de ces bases sera faite, pour les receveurs des finances, aux recettes réalisées pendant la dernière année expirée, et pour les percepteurs, au montant des rôles généraux et supplémentaires du dernier exercice.

XIV. Les cautionnements des comptables dont la quotité n'est pas déterminée par une loi seront fixés par Ordonnance Royale, rendue sur le rapport du Ministre compétent, de concert avec le Ministre des Finances.

TITRE V.—Dispositions Générales.

XV. Toutes contributions directes ou indirectes, autres que celles autorisées par la présente loi, à quelque titre et sous quelque dénomination qu'elles se perçoivent, sont formellement interdites, à peine, contre les autorités qui les ordonneraient, contre les employés qui confectionneraient les rôles et tarifs, et ceux qui en feraient le recouvrement, d'être poursuivis comme concussionnaires, sans préjudice de l'action en répétition, pendant 3 années, contre tous receveurs, percepteurs, ou individus qui auraient fait la perception, et sans que, pour exercer cette action devant les tribunaux, il soit besoin d'une autorisation préalable. Il n'est pas néanmoins dérogé à l'exécution de l'Article IV de la Loi du 2 Août, 1829, relatif aux centimes que les Conseils Généraux sont autorisés à voter pour les opérations cadastrales, non plus qu'aux dispositions des Lois du 10 Mai, 1838, sur les attributions départementales, du 18 Juillet, 1837, sur l'Administration Communale, du 21 Mai, 1836, sur les chemins vicinaux, et du 28 Juin, 1833, sur l'instruction primaire.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme loi de l'Etat.

DONNONS EN MANDEMENT à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera, et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait en notre Palais de Neuilly, le 8e jour du mois d'Août, l'an 1847.

Par le Roi :

LOUIS-PHILIPPE.

Le Ministre Secrétaire d'Etat au Département
des Finances,

S. DUMONT.

(Etat B.)—*Fixation du Contingent de Chaque Département, en Principal, dans les Contributions Foncière, Personnelle et Mobilière, et des Portes et Fenêtres.*

[Suit Etat de chaque Département pour 1848.]

(Etat. C.)—*BUDGET GENERAL des Voies et Moyens de l'Exercice 1848.*

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES PREVUES POUR LE BUDGET DE 1848.	
	<i>Franca.</i>	<i>Franca.</i>
Contributions Directes:		
Foncière	279,456,080	
Personnelle et Mobilière	59,313,060	
Des Portes et Fenêtres	34,796,826	
Des Patentes	46,310,100	
Taxe de Premier Avertissement	793,890	
	<hr/>	420,669,956
Enregistrement, Timbre et Domaines:		
Droits d'Enregistrement, de Greffe, d'Hypothèques, et Perceptions		
Diverses	216,324,000	
Droit de Timbre	40,566,000	
	<hr/>	256,880,000
Revenus et Prix de Vente de Do- maines	3,282,300	
Prix de Vente d'Objets Mobiliers et Immobiliers provenant des Mi- nistères	2,123,500	
Produits d'Etablissements Spéciaux régis ou affermés par l'Etat	1,073,690	
	<hr/>	6,479,490
		263,359,490
Produits des Forêts et de la Pêche:		
Produits des Coupes de Bois	33,548,500	
Produits Divers et Droit de Pêche	3,069,200	
Contributions des Communes et Etablissements Publics pour Frais de Régie de leurs Bois	1,778,000	
	<hr/>	38,395,700
Douanes et Sels:		
Droits de Douanes à l'Importation:		
Marchandises Diverses	105,888,000	
Sucres Coloniaux	38,458,000	
Sucres Etrangers	11,270,000	
	<hr/>	49,728,000
Droits de Douanes à l'Exportation	1,919,000	
Droits de Navigation	3,591,000	
Droits et Produits Divers de Douanes	2,833,000	
	<hr/>	163,959,000
Taxe de Consommation des Sels perçue dans le Rayon des Douanes	58,153,000	
	<hr/>	222,112,000

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES PREVUES POUR LE BUDGET DE 1848.	
	Francs.	Francs.
Contributions Indirectes :		
Droits sur les Boissons	103,603,000	
Taxe de Consommation des Sels, perçue hors du Rayon des Douanes	13,346,000	
Droit de Fabrication sur les Sucres Indigènes ..	20,840,000	
Droits Divers et Recettes à différents titres ..	43,310,000	
Produit de la Vente des Tabacs	120,000,000	
Produit de la Vente des Poudres à Feu	6,863,000	
	<hr/>	307,962,000
Produits des Postes :		
Produit de la Taxe des Lettres	46,542,000	
Droit de 2 pour cent sur les Envois d'Argent ..	678 000	
Droits de Transport de Marchandises et de Matières d'Or et d'Argent par les Paquebots	214,000	
Produit des Places dans les Malles-Postes ..	2,059,000	
Produit des Places dans les Paquebots	1,096,000	
Droit de Transit des Correspondances Etrangères	1,108,000	
Recettes Accidentelles	46,000	
	<hr/>	51,738,000
Divers Revenus :		
Produits Universitaires :		
Droits Divers	1,865,100	
Produit des Rentes et Domaines	541,176	
	<hr/>	2,406,276
Produits Eventuels affectés au Service Départe- mental .. .. .	..	18,791,000
Produits et Revenus de l'Algérie .. .. .	..	17,825,000
Produit de la Rente de l'Inde .. .. .	..	1,050,000
Recette des Colonies régies par la Loi du 25 Juin, 1841, (Martinique, Guadeloupe, Guyane Fran- çaise et Bourbon) :		
Recettes affectées au Service Général	2,235,855	
Recettes affectées au Service Local	4,747,333	
	<hr/>	6,983,188
Produits Divers du Budget :		
Bénéfice sur la Fabrication des Monnaies et la Vente des Médailles	70,100	
Redevances et Produits Extraordinaires des Mines	397,202	
Droit de Vérification des Poids et Mesures ..	1,010,000	
Produit de la Taxe des Brevets d'Invention ..	550,000	
Solde non employé du Fonds Commun des Chancel- leries Consulaires	24,00	
Ressources Spéciales pour Dépenses des Ecoles Normales Primaires	550,000	
Produits Eventuels Départementaux attribués à l'Instruction Primaire	5,000	
Pensions et Rétributions des Elèves des Ecoles Militaires	835,200	
Recouvrement de Frais d'Entretien d'Elèves à l'Ecole de Cavalerie de Saumur	35,500	

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES PREVUES POUR LE BUDGET DE 1848. <i>Francs.</i>
Pensions des Elèves de l'Ecole Navale de Brest ..	105,000
Retenue de 2 pour cent sur la solde des Officiers de l'Armée de Terre	905,400
Pensions de Marins admis à l'Hôtel des Invalides de la Guerre	48,000
Retenue de 2 pour cent sur la solde des Officiers de la Garde Municipale et des Sapeurs-Pom- piers de la Ville de Paris	8,600
Revenus de divers Etablissements spéciaux (Ecoles Vétérinaires, Ecoles des Arts et Métiers, Lazarets et Etablissements Sanitaires) ..	867,875
Produits provenant des Ministères, et Recettes attri- buées au Trésor Public par l'Ordonnance Royale du 31 Mai, 1838, portant Règlement Général sur la comptabilité publique	1,699,700
Produits de Vente de Cartes des Dépôts de la Guerre et de la Marine	50,000
Valeur, au Prix de Revient, fixé par le Budget, des Poudres livrées par le service des Poudres et Salpêtres :	
Au Département de la Guerre	725,980
Au Département de la Marine	433,912
Au Département des Finances	3,348,500
	<hr/> 4,508,392
Ateliers de Condamnés et Pénitenciers Militaires	279,500
Versements des Compagnies de Chemins de Fer pour Remboursement de Frais divers mis à leur charge	407,900
Bénéfices réalisés par la Caisse des Dépôts et Consignations pour l'année 1848	2,000,000
Recouvrements sur prêts faits en 1830 au Commerce et à l'Industrie	150,000
Versements des Sociétés et Agences Tontinières pour Remboursement de Frais de Surveillance	20,000
Recettes sur Débets non compris dans l'Actif de l'Administration des Finances	80,000
Dépôts d'Argent dans les Caisses des Agents des Postes, acquis au Trésor pour cause de Déchéance (Loi du 31 Janvier, 1833) ..	7,800
Versements des Compagnies de Chemins de Fer, en capital et en intérêts, sur les avances à elles faites par le Trésor	1,582,999
Fonds à verser par des Départements, des Com- munes et des Particuliers, pour concourir, avec ceux de l'Etat, à l'exécution de Travaux Publics	150,000
Excédant disponible des Recettes sur les Dépenses du Service de l'Imprimerie Royale ..	233,790
Produits divers des Maisons Centrales de Force et de Correction	2,500,000

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES	
	PREVUES POUR	
	LE BUDGET DE 1848.	
	<i>Francs.</i>	<i>Francs</i>
Prix du Bail du Chemin de Fer de Montpellier à Nîmes	308,000	
Recettes de différentes origines	295,442	
		19,685,400
TOTAL des Voies et Moyens Ordinaires de l'Exercice 1848. <i>Francs</i> 1,370,978,010		
Ressources Extraordinaires (portion de l'Emprunt autorisé par la Loi du 25 Juin, 1841, applicable aux Travaux Extraordinaires de l'Exercice 1848).. .. .		20,298,500
TOTAL GENERAL des Voies et Moyens de l'Exercice 1848. <i>Francs</i> 1,391,276,510		

Résultat Général du Budget de 1848.

Les Dépenses de	1,446,210,170
Les Recettes de	1,391,276,510
Excédant de Dépense	<i>Francs</i> 54,933,660

(Etat D.)—TABLEAU des Recettes affectées, pour l'Exercice 1848, aux Services Spéciaux portés pour Ordre au Budget.

MINISTÈRE DE LA JUSTICE ET DES CULTES.

Légion d'Honneur.

Revenus propres de l'Ordre.. .. .	7,009,098
Pensions et Frais de Trousseaux versés par les Parents des Elèves de la Maison Royale de Saint-Denis	94,000
Fonds Reçus de la Caisse des Dépôts et Consignations à titre d'avances (Article IV de la Loi du 21 Juin, 1845).. .. .	406,000
TOTAL <i>Francs</i>	7,509,098

Imprimerie Royale.

Produits des Impressions Diverses	3,553,000
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MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Chancelleries Consulaires.

Produits d'Actes de Chancellerie et Bénéfices sur le change ..	350,000
Prélèvement à effectuer sur le Fonds Commun des Chancelleries Consulaires, au profit de celles dont les Dépenses excéderont les Recettes (Article V de l'Ordonnance Royale du 23 Août, 1838)	50,000
TOTAL <i>Francs</i>	400,000

DESIGNATION DES PRODUITS. MONTANT DES RECETTES
PREVUES POUR
LE BUDGET DE 1848.

MINISTÈRE DE LA MARINE ET DES COLONIES.

Caisse des Invalides.

	<i>Francs.</i>
Retenues sur les Traitements et Accessoires du Personnel des divers Corps de la Marine et des Colonies	2,130,000
Retenues exercées sur la solde des Officiers Militaires et Civils et Agents de tous grades, en congé	110,000
Retenues sur les Salaires au Commerce	790,000
Décomptes des Déserteurs	20,000
Dépôts provenant de Solde, parts de Prises, etc.	230,000
Dépôts provenant de Naufrages	70,000
Droits sur les Prises	60,000
Dividende des Actions de la Banque de France	85,000
Rentes de 5 pour cent (Immobilisées)	4,809,239
Plus-value des Feuilles de Rôles d'Equipages	35,000
Recettes Diverses	131,761
TOTAL <i>Francs</i>	<u>8,471,000</u>

MINISTÈRE DES FINANCES.

Service de la Fabrication des Monnaies et Médailles.

Monnaies.

Retenue sur les matières apportées aux Changes des Monnaies, pour Frais de Fabrication. ..	719,394
Tolérances en faibles sur la Fabrication des Monnaies ..	50,000
Droit d'Essai sur les Lingots présentés en vérification par le Commerce	100
	<u>769,494</u>

Médailles.

Produit de la vente des Médailles fabriquées depuis l'Ordonnance du 24 Mars, 1832	580,000
Droit de 10 pour cent prélevé sur le prix de la Fabrication des Médailles de Sainteté, Boutons, etc.	1,000
	<u>581,000</u>
TOTAL <i>Francs</i>	<u>1,350,494</u>

RECAPITULATION.

Ministère de la Justice et des Cultes:					
Légion d'Honneur .. ..	..	..	..	..	7,509,098
Imprimerie Royale .. ..	..	..	..	..	3,553,000
Ministère des Affaires Étrangères:					
Chancelleries Consulaires .. ..	..	..	..	..	400,000

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES PREVUES POUR LE BUDGET DE 1848. <i>Francs.</i>	
Ministère de la Marine et des Colonies:		
Caisse des Invalides .. .. .	..	8,471,000
Ministère des Finances:		
Service de la Fabrication des Monnaies et Médailles ..	..	1,350,494
TOTAL GENERAL	<i>Francs</i>	21,283,592

*Résultat des Recettes et des Dépenses des Services Spéciaux portés pour
Ordre au Budget.*

	RECETTES.	DEPENSES.
Légion d'Honneur	7,509,098	7,509,098
Imprimerie Royale	8,553,000	3,553,000
Chancelleries Consulaires	400,000	400,000
Caisse des Invalides de la Marine	8,471,000	8,471,000
Service de la Fabrication des Monnaies et Médailles	1,350,494	1,350,494
TOTAUX	<i>Francs</i> 21,283,592	21,283,592

*(Etat E.)—TABLEAU du Service Départemental, pour l'Exercice
1848. (Exécution de la Loi du 10 Mai, 1838.)*

RECAPITULATION.				RESSOURCES.	DEPENSES.
Ministère de l'Intérieur .. .. .	..	..	..	89,610,050	89,610,050
Ministère de l'Instruction Publique .. .. .	..	..	..	4,785,000	4,785,000
Ministère des Finances.. .. .	..	..	..	574,000	574,000
TOTAUX	<i>Francs</i>			94,969,050	94,969,050

(Etat F.)—TABLEAU du Service Colonial, pour l'Exercice, 1848.

TOTAL RECETTES.	TOTAL DEPENSES.
22,861,175	22,861,175

Certifié conforme :

*Le Ministre Secrétaire d'Etat au Département des
Finances,*

S. DUMON.

AN ACCOUNT of the Ordinary Revenues and Extraordinary Resources,
AND IRELAND; for the

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th January, 1840.	2. GROSS RECEIPT.	3. Repayments, Allowances, Discounts, Drawbacks, and Bounties in the nature of Drawbacks, and Allowances for Paper and Parchment to stamp on.	4. NET RECEIPT within the Year, after deducting RE- PAYMENTS &c.	5. TOTAL INCOME, including BALANCES
ORDINARY REVENUES.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Customs	447,113 14 12	22,448,955 12 04	215,022 0 0	22,208,863 12 04	22,715,977 6 2
Excise	245,408 9 5	15,537,671 18 104	534,575 5 02	15,003,098 8 102	15,248,506 18 34
Stamps	155,430 13 64	7,231,382 7 54	218,115 12 34	7,013,266 15 12	7,108,007 8 54
Taxes, Land and Assessed Ditto, Income and Property	50,085 1 114	{ 4,527,580 14 04 5,000,870 0 64	{ 4,670 7 24 105,043 2 32	{ 4,522,910 7 74 5,004,833 7 3	{ 10,146,778 16 04
Post Office	200,000 14 34	2,215,140 14 34	47,700 16 64	2,165,840 17 94	2,425,950 12 1
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions .....	...	4,640 12 10	...	4,640 12 10	4,640 12 10
Crown Lands	115,340 10 3 14	351,075 13 6 14	...	351,075 13 6 14	406,416 3 10
Small Branches of the Heredi- tary Revenue .....	...	42,342 7 5	...	42,342 7 5	42,342 7 5
Surplus Fees of Regulated Public Offices .....	...	70,022 1 4	...	70,022 1 4	70,022 1 4
TOTALS of Ordinary Revenues	£ 1,283,019 8 7 14	58,131,706 7 11 14	1,125,294 4 14	57,006,412 3 10 14	58,280,431 7 64
OTHER RESOURCES.					
Money received from the East India Company on account of Retired Pay, Pensions, &c., of Her Ma- jesty's Forces serving in India, per Act 4, Geo. IV, c. 71 .....	...	60,000 0 0	...	60,000 0 0	60,000 0 0
From the Trustees of the King of the Belgians, the amount repaid into the Exchequer for the use of the Consolidated Fund, out of the Annuity granted to Prince Leopold .....	...	34,000 0 0	...	34,000 0 0	34,000 0 0
Imprest Monies repaid by sundry Public Account- ants, and other Monies paid to the Public .....	...	48,340 16 3	...	48,340 16 3	48,340 16 3
Money arising from the sale of Old Stores .....	...	421,036 0 10	...	421,036 0 10	421,036 0 10
Money received from the Bank of England, on account of Unclaimed Di- vidends .....	...	77,504 18 10	...	77,504 18 10	77,504 18 10
TOTALS of the Public Income of the United Kingdom, exclusive of Money raised by sale of Stock	£ 1,283,019 8 7 14	58,772,687 3 10 14	1,125,294 4 14	57,647,392 10 0 14	58,930,412 3 44
Money received from the sale of 3 per Cent. Consols, in part of £2,000,000, per Act 11 & 12 Vict. c. 125 .....	...	306,687 10 0	...	306,687 10 0	306,687 10 0
TOTALS, including Money raised by sale of Stock	£ 1,283,019 8 7 14	59,079,374 13 10 14	1,125,294 4 14	58,043,080 9 0 14	59,236,099 13 44

Whitehall, Treasury Chambers, 22nd March, 1850.

constituting the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN
Year ending 5th January, 1850.

Payments out of the Income in its progress to the Exchequer.			9.	10.	11.	12.
CHAR of COLLECTIO	OTHER PAYMENTS.	TOTAL PAYMENTS out of the Income, in its progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1850.	TOTAL DISCHARGE of the INCOME.	RATE per Centum for which the GROSS RECEIPT was Collected.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1,301,727 3 1	325,610 7 6	1,627,337 10 9	30,036,921 0 11	451,718 14 6	32,715,977 0 2	5 15 9½
882,008 0 7	98,000 0 7½	980,101 7 2½	13,083,363 8 3	283,073 2 10	15,248,506 18 3½	5 13 6½
146,801 12 2½	— — —	146,801 12 2½	6,907,548 5 4	154,357 11 2½	7,105,997 8 8½	2 0 7½
331,294 13 0½	22,043 17 11	353,337 10 11½	{ 4,308,849 7 8 5,408,129 19 0 }	79,001 19 13	10,146,778 16 9½	3 5 3½
1,307,478 2 8	17,064 14 2	1,324,542 16 10	832,000 0 0	300,367 15 3	2,425,000 13 1	50 1 6½
88 0 3	— — —	88 0 3	4,561 12 7	— — —	4,640 12 10	— — —
40,024 12 0½	142,502 13 2½	182,527 5 9½	100,000 0 0	113,228 18 0½	400,416 8 10	14 3 8½
— — —	— — —	— — —	42,342 7 5	— — —	42,342 7 5	— — —
— — —	— — —	— — —	70,023 1 4	— — —	70,023 1 4	— — —
4,030,736 10 4½	608,800 13 8½	4,639,536 4 0½	52,310,708 2 6	1,351,027 0 11½	58,280,431 7 5½	6 15 4
— — —	— — —	— — —	80,000 0 0	— — —	80,000 0 0	— — —
— — —	— — —	— — —	34,000 0 0	— — —	34,000 0 0	— — —
— — —	— — —	— — —	43,340 15 3	— — —	43,340 15 3	— — —
— — —	— — —	— — —	421,000 0 10	— — —	421,000 0 10	— — —
— — —	— — —	— — —	77,504 13 10	— — —	77,504 13 10	— — —
4,030,736 10 4½	608,800 13 8½	4,639,536 4 0½	52,061,743 18 8	1,351,027 0 11½	58,280,412 8 4½	— — —
— — —	— — —	— — —	395,067 10 0	— — —	395,067 10 0	— — —
4,030,736 10 4½	608,800 13 8½	4,639,536 4 0½	53,347,439 8 8	1,351,027 0 11½	59,330,000 13 4½	— — —

AN ACCOUNT of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 31st Jan. 1850.	2. GROSS RECEIPT.	3. Repayments, Allowances, Discounts, Drawbacks and Bounties in the nature of Drawbacks; and Allowances for Paper and Parchment to stamp on.	4. NET RECEIPT within the Year after Deducting RE- PAYMENTS, &c.	5. TOTAL INCOME, including BALANCES.
ORDINARY REVENUES.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Customs	307,363 5 11½	30,801,910 10 0½	210,168 12 2	30,091,741 15 4½	30,690,105 4 4
Excise	188,557 6 3	14,129,179 6 9½	529,089 14 3½	13,599,239 12 6½	13,787,326 18 8½
Stamps	140,543 4 0½	6,008,133 7 5½	106,781 4 7½	6,404,352 2 9½	6,641,105 6 10½
Taxes, Land and Assessed ... } Ditto, Income and Property }	50,036 1 11½	{ 4,337,580 14 0½ 3,000,776 9 0½	{ 4,070 7 2½ 103,043 2 3½	{ 4,332,010 7 7½ 5,361,823 7 3 }	10,140,778 16 0½
Post Office	216,118 11 2	2,028,635 12 1½	44,636 10 5½	1,983,999 1 8½	2,300,117 12 10½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions .....	... ..	4,649 12 10	... ..	4,649 12 10	4,649 12 10
Crown Lands	115,340 10 8½	351,075 13 6½	... ..	351,075 13 6½	400,416 3 10
Small Branches of the Here- ditary Revenue .....	... ..	42,342 7 5	... ..	42,342 7 5	42,342 7 5
Surplus Fees of Regulated Public Offices .....	... ..	63,389 4 8	... ..	63,389 4 8	63,389 4 8
TOTALS of Ordinary Revenues	£ 1,123,287 19 6½	53,811,773 10 3½	1,008,239 11 0	52,718,533 8 3½	53,841,331 7 10½
OTHER RESOURCES.					
Money received from the East India Company, on account of Retired Pay, Pensions, &c., of Her Ma- jesty's Forces serving in India, per Act 4 Geo. IV. c. 71 .....	... ..	60,000 0 0	... ..	60,000 0 0	60,000 0 0
From the Trustees of the King of the Belgians, the amount repaid into the Exchequer for the use of the Consolidated Fund, out of the Annuity granted to Prince Leopold .....	... ..	34,000 0 0	... ..	34,000 0 0	34,000 0 0
Imprest Monies repaid by sundry Public Account- ants, and other Monies paid to the Public .....	... ..	44,421 13 0	... ..	44,421 13 0	44,421 13 0
Money arising from the sale of Old Stores .....	... ..	421,086 0 10	... ..	421,086 0 10	421,086 0 10
Money received from the Bank of England on ac- count of Unclaimed Divi- dends .....	... ..	77,594 15 10	... ..	77,594 15 10	77,594 15 10
TOTALS of the Public Income of Great Bri- tain, exclusive of Money raised by sale of Stock	£ 1,123,287 19 6½	54,445,325 11 11½	1,008,239 11 0	53,355,589 0 11½	54,475,874 0 6½
Money received from the sale of 3 per cent. Consols, in part of £2,000,000, per Act 11 & 12 Vict. c. 125 .....	... ..	305,087 10 0	... ..	305,087 10 0	305,087 10 0
TOTALS, including Money raised by sale of Stock	£ 1,123,287 19 6½	54,750,412 11 11½	1,008,239 11 0	53,751,276 10 11½	54,780,961 10

the PUBLIC INCOME of GREAT BRITAIN; for the Year ending 5th January, 1850,

Payments out of the Income in its progress to the Exchequer.			9.	10.	11.	12.
0.	2.	3.	4.	5.	6.	7.
CHARGES of COLLECTION.	OTHER PAYMENTS.	TOTAL PAYMENTS out of the Income, in its progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1850.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
£ s. d. 1,581,324 7 6	£ s. d. 305,657 4 0	£ s. d. 1,886,981 11 6	£ s. d. 15,046,708 19 6	£ s. d. 406,254 13 4	£ s. d. 20,452,965 4 4	£ s. d. 5 6 0½
724,449 16 7	79,951 7 4½	804,401 24 1½	12,753,815 0 0	229,080 14 8½	13,787,826 18 8½	5 2 0½
129,420 17 8½	...	129,420 17 8½	6,363,475 6 8	146,708 2 11	6,641,183 6 10½	1 18 8
332,824 13 0½	22,043 17 11	354,867 10 11½	{ 1,918,449 7 8 3,408,150 19 0 }	79,001 19 12	10,140,778 16 9½	3 5 3½
1,157,000 6 2	17,084 14 2	1,174,184 0 4	806,000 0 0	219,973 13 6½	2,200,117 12 10½	57 0 9½
88 0 3	...	88 0 3	4,561 13 7	...	4,640 12 10	...
40,024 13 0½	143,502 13 3½	183,527 5 9½	100,000 0 0	113,288 16 0½	466,416 3 10	14 2 8½
...	...	...	42,342 7 8	...	42,342 7 5	...
...	...	...	63,890 4 8	...	63,890 4 3	...
3,474,785 13 9½	508,108 16 9½	4,042,893 10 6½	48,600,391 16 8	1,106,492 0 7½	53,941,821 7 10½	6 9 1½
...	...	...	60,000 0 0	...	60,000 0 0	...
...	...	...	24,000 0 0	...	24,000 0 0	...
...	...	...	44,421 13 0	...	44,421 13 0	...
...	...	...	431,036 0 10	...	431,036 0 10	...
...	...	...	77,504 18 10	...	77,504 18 10	...
3,474,785 13 9½	508,108 16 9½	4,042,893 10 6½	49,240,444 9 4	1,106,492 0 7½	54,478,874 0 6½	...
...	...	...	305,657 10 0	...	305,657 10 0	...
3,474,785 13 9½	508,108 16 9½	4,042,893 10 6½	49,546,131 19 4	1,106,492 0 7½	54,874,561 10 6½	...

AN ACCOUNT of the Ordinary Revenues and Extraordinary Resources, constitu

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1850.	2. GROSS RECEIPT.	3. RE- PAYMENTS, DRAW- BACKS, DIS- COUNTS, &c.	4. NET RECEIPT within the Year, after de- ducting RE- PAYMENTS, &c.	5. TOTAL INCOME, including BALANCES.
ORDINARY REVENUES.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CUSTOMS	40,750 8 2	2,182,045 2 8	4,928 8 7	2,177,121 3 8	2,220,873 1 10
EXCISE	50,911 3 2	1,408,492 7 1½	4,022 10 9½	1,403,858 16 4	1,400,709 19 7
STAMPS	2,587 9 6	522,240 0 0	10,234 7 7½	512,014 12 4½	527,502 1 10½
Post Office	44,422 3 1½	184,514 1 2	3,108 6 1	181,350 16 1	225,822 19 2½
Surplus Fees of Regulated Public Offices .....	... ..	6,622 17 1	... ..	6,622 17 1	6,622 17 1
TOTALS Of Ordinary Revenues. } £	150,731 4 0½	4,319,063 8 7½	22,064 12 1½	4,297,875 15 0½	4,447,009 19 7
OTHER RESOURCES.					
Imprison Money, repaid by sundry Public Account- ants, and other Monies paid to the Public .....	... ..	2,928 2 2	... ..	2,928 2 2	2,928 2 2
TOTALS of the Public Income of Ireland. } £	150,731 4 0½	4,322,991 11 10½	22,064 12 1½	4,291,806 18 0½	4,451,329 2 10

Whitehall, Treasury Chambers, 23rd March, 1850.

the PUBLIC INCOME of IRELAND; for the Year ending 5th January, 1850.

Payments out of the Income, in its progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.				
CHARGES of COLLECTION.	OTHER PAYMENTS.	TOTAL PAYMENTS out of the Income, in its progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1850.	TOTAL DISCHARGE of the INCOME.	RATE per Centum for which the GROSS RECEIPT was Collected.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
230,422 15 7	19,928 8 8	240,350 19 3	1,941,122 1 5	45,364 1 2	2,396,573 4 10	10 2 04
137,648 10 0	18,187 12 21	175,830 8 21	1,231,548 8 8	38,801 8 11	1,400,700 19 7	11 8 10
17,834 14 0	...	17,464 14 6	508,073 19 1	7,934 8 31	517,503 4 101	8 4 108
180,417 16 8	...	180,417 16 8	25,000 0 0	40,415 2 81	225,832 19 21	81 10 5
...	...	...	6,032 17 1	...	6,032 17 1	...
545,067 16 7	38,140 16 101	584,006 12 51	2,707,276 5 10	155,185 0 31	4,447,500 19 7	13 12 9
...	...	...	2,928 2 2	...	2,928 2 2	...
545,067 16 7	38,140 16 101	584,006 12 51	2,711,204 9 1	155,185 0 31	4,451,526 2 10	—

W. G. HAYTER.

AN ACCOUNT of the TOTAL INCOME of the REVENUE of GREAT BRITAIN
Repayments, Allowances, Discounts, Drawbacks, and Bounties, in the nature
Kingdom, exclusive of the Sums applied to the Reduction of the National

HEADS OF REVENUE.							NET RECEIPT, as stated in Column 4 of the Account of Public Income.					
ORDINARY REVENUES.							£	s.	d.	£	s.	d.
Balances and Bills outstanding on 5th January, 1849							...	...		1,283,019	3	7½
Customs							22,268,863	12	0½			
Excise							15,003,098	8	10½			
Stamps							7,013,266	15	1½			
Taxes, Land and Assessed							4,522,910	7	7½			
Ditto Income and Property							5,564,833	7	3			
Post Office							2,165,349	17	9½			
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions							4,649	12	10			
Crown Lands							351,075	13	6½			
Small Branches of the Hereditary Revenue							43,342	7	5			
Surplus Fees of Regulated Public Offices							70,022	1	4			
										57,006,412	3	10½
Deduct Balances and Bills outstanding on 5th January, 1850							...	...		58,289,431	7	5½
Total Ordinary Revenue							...	...	£	1,351,627	0	11½
										56,937,804	6	6½
OTHER RESOURCES.												
Money received from the East India Company, on account of Retired Pay, Pensions, &c. of Her Majesty's Forces serving in India, per Act 4 Geo. IV, c. 71							60,000	0	0			
From the Trustees of the King of the Belgians, the Amount repaid into the Exchequer for the use of the Consolidated Fund, out of the Annuity granted to Prince Leopold							34,000	0	0			
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public							48,349	16	3			
Money arising from the Sale of Old Stores							421,036	0	10			
Money received from the Bank of England on account of Unclaimed Dividends							77,594	18	10			
										640,980	15	11
							£			57,578,785	2	5½
Balances and Bills outstanding on 5th January, 1849							...	...	£	1,283,019	3	7½
Ditto ditto 5th January, 1850							...	...	...	1,351,627	0	11½
										68,607	17	3½
Excess of Income over Expenditure							...	...	£	2,096,126	2	1
Actual Excess of Income over Expenditure							...	...	£	2,166,733	19	4½

Whitehall, Treasury Chambers, March 23, 1850.

and IRELAND, in the Year ended 5th January, 1850, after deducting the of Drawbacks; together with an Account of the Public Expenditure of the United Debt within the same Period.

EXPENDITURE.							
						£	s. d.
PAYMENTS OUT OF THE INCOME, IN ITS PROGRESS TO THE EXCHEQUER.						£	s. d.
Charges of Collection	...	...	...	...	...	4,020,726	10 4½
Other Payments	...	...	...	...	...	606,309	13 8½
Total Payments out of the Income, in its progress to the Exchequer						4,627,036	4 0½
FUNDED DEBT.							
Interest and Management of the Permanent Debt	...	...	...	...	...	23,991,912	1 11
Terminable Annuities	...	...	...	...	...	3,725,993	14 11
Total Charge of the Funded Debt, exclusive of the Interest on Donations and Bequests						27,717,935	16 10
UNFUNDED DEBT.							
Interest on Exchequer Bills	...	...	...	...	...	606,025	3 4
Civil List	...	...	...	...	...	396,600	0 0
Annuities and Pensions for Civil, Naval, Military, and Judicial Services, &c. charged by various Acts of Parliament on the Consolidated Fund						464,687	14 8
Salaries and Allowances	...	...	...	...	...	268,629	6 1
Diplomatic Salaries and Pensions	...	...	...	...	...	160,833	10 6
Courts of Justice	...	...	...	...	...	1,105,262	9 6
Miscellaneous Charges on the Consolidated Fund	...	...	...	...	...	398,859	19 1
Army	...	...	...	...	...	6,549,108	12 5
Navy	...	...	...	...	...	6,942,397	6 10
Ordnance	...	...	...	...	...	2,332,031	8 8
Miscellaneous chargeable on the Annual Grants of Parliament, including £113,542 13s. 4d. for Relief of Destitute Emigrants from Ireland						3,911,231	8 5
						28,323,961	0 2
						2,794,892	19 10
						19,734,768	16 4
						65,480,659	0 4½
						2,081,26	2 1
Excess of Income over Expenditure						£ 57,678,785	2 6½

AN ACCOUNT of the NET PUBLIC INCOME of the United Kingdom of GREAT
abating the EXPENDITURE thereout defrayed by the several Revenue Depart-
of the Sums applied to the Redemption of Funded, or paying off Unfunded

INCOME OR REVENUE.							TOTAL.		
ORDINARY REVENUE AND RECEIPTS.							£	s.	d.
CUSTOMS	..	..	..	..	..	..	20,636,921	0	11
EXCISE ..	..	..	..	..	..	..	13,985,363	8	3
STAMPS	..	..	..	..	..	..	6,867,548	5	4
TAXES, LAND AND ASSESSED	..	..	..	..	..	..	4,303,849	7	8
PROPERTY TAX	..	..	..	..	..	..	5,408,159	19	0
POST OFFICE..	..	..	..	..	..	..	832,000	0	0
CROWN LANDS	..	..	..	..	..	..	160,000	0	0
One Shilling and Sixpence, and Four Shillings in the } Pound, on Pensions and Salaries .. .. . }	..	..	..	..	..	..	4,561	12	7
Small Branches of the Hereditary Revenues of the } Crown .. .. . }	..	..	..	..	..	..	42,342	7	5
Surplus Fees of Regulated Public Offices	..	..	..	..	..	..	70,022	1	4
							£ 52,310,768	2	6
OTHER RECEIPTS.									
Produce of the Sale of Old Stores	..	..	..	..	..	..	421,036	0	10
Imprest and other Monies	..	..	..	..	..	..	82,349	16	3
Money received from the East India Company	..	..	..	..	..	..	60,000	0	0
Unclaimed Dividends (more than paid)	..	..	..	..	..	..	77,594	18	10
							£ 52,951,748	18	5

Whitehall, Treasury Chambers, February 28, 1850.

BRITAIN and IRELAND, in the Year ended the 5th day of January, 1850, (after
ments), and of the Actual Issues or Payments within the same Period, exclusive
Debt, and of the Advances and Repayments for Local Works, &c.

EXPENDITURE.			
FUNDED DEBT.		£	s. d.
Interest and Management of the Permanent Debt }		23,991,942	1 11
Terminable Annuities		3,725,993	14 11
Total Charge of the Funded Debt, exclusive of £10,724 11s. 9d. the Interest on Donations and Bequests }		27,717,935	16 10
UNFUNDED DEBT.			
Interest on Exchequer Bills ..		606,025	3 4
Civil List		396,600	0 0
Annuities and Pensions for Civil, Naval, Military, and Judicial Ser- vices, &c., charged by various Acts of Parliament on the Con- solidated Fund }		464,687	14 8
Salaries and Allowances		268,629	6 1
Diplomatic Salaries and Pensions		160,833	10 6
Courts of Justice		1,105,282	9 6
Miscellaneous Charges on the Consolidated Fund }		398,859	19 1
Army		6,549,108	12 5
Navy		6,942,397	6 10
Ordnance		2,332,031	8 8
Miscellaneous, chargeable on the Annual Grants of Parliament, including £113,542 13s. 4d., for Relief of Destitute Emigrants from Ireland }		3,911,231	8 5
		19,734,768	16 4
	£	50,853,622	16 4
Excess of Income over Expenditure .. ..	..	2,098,126	2 1
	£	52,951,748	18 5

W. G. HAYTER.

**AN ACCOUNT of the ACTUAL RECEIPT and EXPENDITURE of the
of the NATIONAL DEBT, in the**

*Drs.***THE SAID COMMISSIONERS**

UNITED KINGDOM.	TOTAL Sums received	CAPITAL STOCK placed in the Names of the Commissioners in the Year.
	£ s. d.	£ s. d.
ISSUES FROM THE CON- SOLIDATED FUND.		
To Cash, Quarterly Issue, } 10 Geo. 4, c. 27	10,349 10 2	11,382 3 0
To Cash, one year's Inte- } rest on Capitals standing } in the names of the Com- } missioners, on account of } Donations and Bequests,)	10,724 11 9	11,853 7 5
FROM OTHER SOURCES.		
To Cash, the Be- quest of Nicholas Broughton, of Streatham, de- ceased.....£50 0 0		
Less Legacy Duty 5 0 0		
<hr/>	45 0 0	<hr/>
£	21,119 1 11	23,235 10 5

National Debt Office, January 5, 1850.

Sums placed in the hands of the COMMISSIONERS for the REDUCTION
Year ending 5th January, 1850.

(On account of the Sinking Fund.)

Crs.

—	TOTAL Sums paid.			Average Price of Stock.		
	£	s.	d.	£	s.	d.
{ By Cash paid for £11,382 3s. Capital Stock, purchased with the Sinking Fund, at 3 per cent. }	10,349	10	2	90	18	6
{ By Cash paid for £11,853 7s. 5d. Capital Stock, purchased on account of Donations and Be- quests, at 3 per cent. }	10,769	11	9	90	17	1
	£	21,119	1 11			

S. HIGHAM, Comptroller-General.

I

AN ACCOUNT of the Total Amount of the UNREDEEMED FUNDED DEBT, and created in the Year ended 5th January, 1850; of the Debt and Charge thereof, Debt and the Charge thereof, as it stood on the 5th of January, 1850.

GREAT BRITAIN.		CAPITAL STOCK.		ANNUAL CHARGE thereon.
		£ s. d.		£ s. d.
On 5th Jan. 1849.	TO Unredeemed Capital	732,523,342 2 9½	... ..	22,521,241 7 7½
	To Long Annuities, expire 1860.....	... ..	... ..	1,247,750 17 5
	To Annuities, 4 Geo. IV, c. 22, ex- pire 1867.....	... ..	... ..	585,740 0 0
	To Annuities for a limited term of years, per 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, expire at various periods .....	... ..	... ..	869,097 9 2
	To Life Annuities, 48 Geo. III, c. 142, and subsequent Acts .....	... ..	... ..	886,038 18 0
	To Life Annuities, 5, 18 & 19 Geo. III, and English Tontine Annuities, 29 Geo. III. ....	... ..	... ..	17,792 12 6
	To Irish Tontine Annuities, 13 & 14, 15 & 16, and 19 & 20 Geo. III (Irish Acts), payable in Great Britain .....	... ..	... ..	34,230 8 7
	To Management .....	... ..	... ..	94,741 7 4
TOTAL DEBT at 5th January, 1849..... £		732 523,342 2 9½		26,256,638 0 7½
DEBT created in the Year 1849.	To Capital transferred from the Funded Debt in Ireland to the Funded Debt in Great Britain, 5 Geo. IV, c. 53	{ 829,830 7 10 1,141,946 5 3 500 0 0	{ 3 per cent. 3½ per cent. 5 per cent.	{ 62,003 3 3
	To Long Annuities transferred from ditto to ditto.....	... ..	... ..	257 16 0
	To Capital re-transferred from the Commissioners for the Reduc- tion of the National Debt, the Dividends upon which had re- mained unclaimed 10 years or upwards, the same having been reclaimed by the Proprietors thereof, 56 Geo. III, c. 60	{ 9,477 18 3 6,914 9 8	{ 3 per cent. 3½ per cent.	{ 509 1 1
	To Long Annuities re-transferred from ditto to ditto.....	... ..	... ..	11 14 11
	To South Sea Annuities un- claimed 10 years or upwards, re-transferred from ditto to ditto, 7 & 8 Vict. c. 80.....	33 6 8	3 per cent.	1 0 0
	To Annuities for a limited term of years, granted 10 Geo. IV, c. 24, and 3 Will. IV, c. 14 .....	... ..	... ..	1,475 3 0
	To Life Annuities granted 10 Geo. IV, c. 24, & 3 Will. IV, c. 14 .....	... ..	... ..	57,484 14 6
	To Annual Charge on Contribu- tors' Shares, Tontine 1789 increased .....	... ..	... ..	182 0 7
	To management increased .....	... ..	... ..	184 11 11
TOTAL DEBT created in 1849		£ 1,988,702 7 8	... ..	122,139 5 3
GENERAL TOTAL, Great Britain..... £		734,612,044 10 5½	... ..	26,378,772 5 10½

the CHARGE thereof, at the 5th January, 1849; of the Debt and Charge thereof reduced in the course of that Year; and of the Total Amount of the Unredeemed

	CAPITAL STOCK.				ANNUAL CHARGE thereon.		
	£	s.	d.		£	s.	d.
BY Capital purchased with the Sinking Fund	11,382	3	0	3 per cent.	341	9	34
BY ditto purchased on account of Donations and Bequests.....	11,553	7	5	3 per cent.	355	11	11½
By the Bequest of Alexander Petrie, of Swanawick, county of Somerset, late Lt.-Col. in the Army, deceased	14,221	8	8	3 per cent.	477	15	3
	1,572	18	6	3½ per cent.			
By Capital transferred for the purchase of Life Annuities, including £382,500 Stock, bought with money received for said Annuities	602,634	11	■	3 per cent.	20,263	16	11
	67,225	0	0	3½ per cent.			
By ditto transferred for the purchase of Annuities for terms of years, including £7,500 Stock, bought with money received for said Annuities. .	17,224	0	0	3 per cent.	620	14	4½
	3,200	0	0	3½ per cent.			
By ditto transferred to the Commissioners for the Reduction of the National Debt, the Dividends upon which had remained unclaimed 10 years or upwards, 56, Geo. III, c. 60	28,063	7	1	3 per cent.	1,167	4	8½
	10,010	8	8	3½ per cent.			
By Long Annuities, ditto transferred to ditto, 56 Geo. III, c. 60 .....	...	...	...	...	54	16	4
By Annuities for terms of years, 10 Geo. IV, c. 24, ditto transferred to ditto, 2 and 3 Will. IV, c. 59 .....	...	...	...	...	122	7	10
By Capital purchased with Unclaimed Dividends, 56 Geo. III, c. 60.....	71,900	0	0	3 per cent.	2,157	0	0
By South Sea Capital transferred to the Commissioners, the Dividends upon which had remained Unclaimed 10 years or upwards, 7 & 8 Vict. c. 80	50	0	0	3 per cent.	1	10	0
By Capital purchased with South Sea Unclaimed Dividends, 7 and 8 Vict. c. 80	2,220	1	8	3½ per cent.	72	3	0
By ditto transferred to the Commissioners on account of the Redemption of the Land Tax, under Schedules A and B	29,190	2	11	3 per cent.	875	14	0½
By ditto transferred from the Funded Debt in Great Britain to the Funded Debt in Ireland, 5 Geo. IV, c. 53	565,720	13	9	3 per cent.	36,335	1	0
	595,797	18	4	3½ per cent.			
By Long Annuities transferred from ditto to ditto .....	...	...	...	...	465	0	0
By Life Annuities, anno 1778, and 1779, decreased .....	...	...	...	...	165	0	0
By Life Annuities, 48 Geo. III, c. 142; 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, expired and unclaimed.....	...	...	...	...	42,117	10	0
By Annuities for a limited term of years, 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, expired .....	...	...	...	...	4,337	6	6
Fractions .....	...	...	...	...			34
TOTAL DEBT reduced in 1849.....£	2,082,266	0	10	...	109,930	1	5½
Balance due to the Public Creditor, 5th January, 1850.....	782,479,778	9	7½	...	26,178,916	5	2
Management .....	...	...	...	...	94,925	19	3
GENERAL TOTAL, Great Britain	734,512,044	10	5½	...	26,378,772	5	10½

TOTAL AMOUNT OF

IRELAND.		CAPITAL STOCK.				ANNUAL CHARGE thereon.		
		£	s.	d.		£	s.	d.
On 5th January, 1849.	To Unredeemed Capital ...	41,499,296	9	3	...	1,341,015	7	9
	To Long Annuities, expire 1860.	...	...	...	...	45,817	14	10
	To Annuities for a limited term of years, per 10 Geo. IV, c. 24. ... ..	...	...	...	...	49,750	0	0
	To Tontine Annuities, 13 & 14, 15 & 16, and 19 & 20 Geo. III (Irish Acts), pay- able in Ireland... ..	...	...	...	...	6,524	2	3
TOTAL DEBT at 5th January, 1849 ... £		41,499,296	9	3		1,443,107	4	10
DEBT created in the Year 1849.	To Capital transferred from the Funded Debt in Great Britain to the Funded Debt in Ireland, 6 Geo. IV, c. 53	565,720	13	9	3 per cent.	36,335	1	0
		595,797	18	4	3½ per cent.			
	To Long Annuities transferred from ditto to ditto ... ..	...	...	...	...	465	0	0
TOTAL DEBT created in 1849 £		1,161,518	12	1	...	36,800	1	0
GENERAL TOTAL, Ireland... .. £		42,660,815	1	4	...	1,479,907	5	10

SUMMARY:

					DEBT.	CHARGE.				
					£	s.	d.	£	s.	d.
TOTAL UNREDEEMED } DEBT, on 5th January, 1849.	GREAT BRITAIN	...	...	...	732,523,842	2	9½	26,256,633	0	7½
		IRELAND	...	...	41,499,296	9	3	1,443,107	4	10
		£	774,022,638	12	0½	27,699,740	5	5½		
DEBT created in the } Year 1849.	GREAT BRITAIN	...	...	...	1,988,702	7	8	122,139	5	3
		IRELAND	...	...	1,161,518	12	1	36,800	1	0
		£	3,150,220	19	9	158,939	6	3		
TOTAL	...	...	...	£	777,172,859	11	9½	27,858,679	11	8½

UNREDEEMED FUNDED DEBT—*continued.*

		CAPITAL STOCK.		ANNUAL CHARGE thereon.
		£ s. d.		£ s. d.
DEBT reduced in the Year 1849.	By Capital transferred from the Funded Debt in Ireland to the Funded Debt in Great Britain, 5 Geo. IV. c. 53 ...	829,890 7 10 1,141,946 5 3 500 0 0	3 per cent. 3½ per cent. 5 per cent.	62,033 3 3 257 16 0
	By Long Annuities transferred from ditto to ditto ...	...	...
TOTAL DEBT reduced in 1849 ... £		1,972,276 13 1	...	62,290 19 3
Balance due to the Public Creditor, 5th January, 1850 ...		40,688,538 8 3	...	1,417,616 6 7
GENERAL TOTAL, Ireland ... £		42,660,815 1 4	...	1,479,907 5 10

SUMMARY:

		DEBT.	CHARGE.
		£ s. d.	£ s. d.
DEBT reduced in the Year 1849.	GREAT BRITAIN ...	2,032,266 0 10	109,930 1 5½
	IRELAND ...	1,972,276 13 1	62,290 19 3
	£	4,004,542 13 11	172,221 0 8½
TOTAL UNREDEEMED DEBT on 5th January, 1850.	GREAT BRITAIN ...	732,479,778 9 7½	26,268,842 4 5
	IRELAND ...	40,688,538 8 3	1,417,616 6 7
	£	773,168,316 17 10½	27,686,458 11 0
TOTAL ...		£ 777,172,859 11 9½	27,858,679 11 8½

S. HIGHAM, Comptroller-General.

AN ACCOUNT of the State of the PUBLIC FUNDED DEBT of GREAT

DEBT.

	CAPITALS.	CAPITALS Transferred to and standing in the names of the Commissioners.	CAPITALS Unredeemed.
	£ s. d.	£ s. d.	£ s. d.
GREAT BRITAIN.			
Debt due to the South Sea } at 3 per Company } cent.	3,662,784 8 64	... ..	3,662,784 8 64
Old South Sea Annuities ditto	3,204,578 9 10	9,384 5 5	3,195,194 4 5
New South Sea Annuities ditto	2,203,784 9 5	8,114 2 8	2,195,670 6 9
South Sea Annuities, 1751... .. ditto	498,000 0 0	8,219 8 3	494,780 11 9
Debt due to the Bank } of England } ... ditto	11,015,100 0 0	... ..	11,015,100 0 0
Bank Annuities, 1726 ditto	745,892 18 7	931 2 7	744,961 16 0
Consolidated Annuities ditto	375,124,004 10 84	908,801 10 1	374,215,203 0 74
Reduced Annuities ditto	122,544,022 1 1	1,267,560 0 4	121,276,462 0 9
TOTAL at 3 per cent. £	518,998,166 18 12	2,198,010 9 4	516,800,156 8 92
Annuities at 3½ per cent.	215,617,298 8 9	367,627 16 1	215,249,670 12 8
New 5 per cent. Annuities... ..	430,576 8 2	624 15 0	429,951 8 2
TOTAL, GREAT BRITAIN £	735,046,041 10 01	2,566,263 0 5	732,479,778 9 72
IRELAND.			
Irish Consolidated Annuities, { at 3 per cent.	5,361,597 15 11	... ..	5,361,597 15 11
Irish Reduced Annuities ditto	115,475 1 2	... ..	115,475 1 2
Annuities at 3½ per cent... ..	32,577,522 15 4	... ..	32,577,522 15 4
Debt due to the Bank of Ireland, } at 3½ per cent. } ...	2,630,769 4 8	... ..	2,630,769 4 8
New 5 per cent. Annuities... ..	3,173 11 2	... ..	3,173 11 2
TOTAL, IRELAND £	40,688,538 8 3	... ..	40,688,538 8 3
TOTAL, UNITED KINGDOM, } on 5th January, 1850... .. } ...£	775,734,579 18 82	2,566,263 0 5	773,168,316 17 104

BRITAIN and IRELAND, and the Charge thereupon, at 5th of January, 1850.

CHARGE.

		IN GREAT BRITAIN.	IN IRELAND.	TOTAL ANNUAL CHARGE OF UNREDEEMED DEBT.
		£ s. d.	£ s. d.	£ s. d.
Due to the Public Creditor.	Annual Interest on Unredeemed Capital	22,521,116 11 2	1,315,317 5 6	
	Long Annuities, expire 1860 ...	1,247,500 12 0	46,024 18 10	
	Annuities per 4 Geo. IV, c. 22, } expire 1867	585,740 0 0		
	Annuities for a limited term of Years, per 59 Geo. III, c. 34, 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, which expire at various periods, viz:			
	Granted up to } Jan. 5, 1850 } 1,692,432 2 0			
	Deduct expired and unclaimed up to ditto, including £106,100, Waterloo Annuities, 59 Geo. III, c. 34 } 776,569 4 2			
		£915,862 17 10	viz. 866,112 17 10	49,750 0 0
	Life Annuities, per 48 Geo. III, c. 142, 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, viz:			
	Granted up to } Jan. 6, } 22,294,261 8 0 1850 }			
	Deduct expired and un- claimed up to ditto ... } 1,392,855 6 0			
Payable at the National Debt Office.		901,406 2 6		
	Tontine and other } English Life Annuities, } 17,809 13 1 per various Acts } Irish ...	34,230 8 7	6,524 2 3	
		£ 26,173,916 5 2	1,417,616 6 7	
	Management... ..	94,925 19 3		
TOTAL ANNUAL CHARGE, exclusive of £80,032 10s. 7½d., the Annual Charge on Capitals and Long Annuities and Annuities for Terms of Years, per 10 Geo. IV, c. 24, standing in the Names of the Commissioners on account of Stock Unclaimed 10 Years or upwards, and of Unclaimed Dividends, and also on account of Donations and Bequests		26,268,842 4 5	1,417,616 6 7	27,686,458 11 0

Continued.

AN ACCOUNT of the State of

ABSTRACT.

	CAPITALS.			CAPITALS Transferred to and Standing in the Names of the Commissioners.			CAPITALS UNREDEEMED.		
	£	s.	d.	£	s.	d.	£	s.	d.
GREAT BRITAIN }	735,046,041	10	0½	2,566,263	0	5	732,479,778	9	7½
IRELAND	40,688,538	8	3	-	-	-	40,688,538	8	3
TOTAL United Kingdom on 5th January, 1850 }	775,734,579	18	3½	2,566,263 (a)	0	5	773,168,316	17	10½

	£	s.	d.
(a) On account of Donations and Bequests	378,165	0	7
Ditto of Stock Unclaimed 10 { Bank ..	473,568	0	1
years or upwards .. { South Sea ..	20,717	16	4
Ditto of Unclaimed Dividends { Bank ..	1,648,490	0	0
{ South Sea ..	45,322	3	5
	£2,566,263	0	5

The Act 10 Geo. IV, c. 27, which came into operation at the 5th July, 1829, enacts, That the Sum thenceforth annually applicable to the Reduction of the National Debt of the United Kingdom shall be the sum which shall appear to be the amount of the whole actual annual surplus Revenue, beyond the expenditure of the said United Kingdom; and the following Sums have been accordingly received by the Commissioners, for the Reduction of the National Debt, including Sums on account of Donations and Bequests, viz. :

the PUBLIC FUNDED DEBT—*continued.*

ANNUAL CHARGE OF UNREDEEMED DEBT.

Due to the Public Creditor.	MANAGEMENT.	TOTAL.
£ s. d.	£ s. d.	£ s. d.
26,173,916 5 2	94,925 19 3	26,268,842 4 5
1,417,616 6 7	- - - -	1,417,616 6 7
27,591,532 11 9	94,925 19 3	27,686,458 11 0

DEFERRED ANNUITIES OUTSTANDING ON 5TH JANUARY, 1850.

	£ s. d.
Deferred Life Annuities, per 10 Geo. IV, c. 24, and } 3 Will. IV, c. 14	26,799 3 6
Deferred Annuities for Terms of Years, per ditto ..	1,230 11 6
	<u>£28,029 15 0</u>

APPLICABLE BETWEEN,	ON ACCOUNT OF					
	The Sinking Fund.			Donations and Bequests.		
	£	s.	d.	£	s.	d.
5th April and 5th July, 1849	-	-	-	1,748	9	3
5th July and 10th October, 1849	-	-	-	3,615	1	0
10th October, 1849 and 5th Jan., 1850	10,349	10	2	1,791	0	6
5th January and 5th April, 1850	302,961	6	3	3,787	3	7
	£313,310	16	5	10,941	14	4

S. HIGHAM, Comptroller-General.

AN ACCOUNT OF THE UNFUNDED DEBT OF GREAT BRITAIN AND IRELAND ;

And of the Demands outstanding on the 5th January, 1850;

Distinguished under the following heads; viz.—Exchequer Bills; Sums remaining unpaid, charged upon the Aids granted by Parliament, and the Exchequer Bills to be issued out of the Consolidated Fund; and distinguishing also such part of the Unfunded Debt and Demands as have been provided for by Parliament; together with an ACCOUNT of the WAYS and MEANS remaining in the Exchequer, or to be received on the 5th January, 1850, to defray such part of the Unfunded Debt and Demands as have been provided for.

	PROVIDED.	UNPROVIDED.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
Exchequer Bills .....	.. ..	17,758,700 0 0	17,758,700 0 0
Sums remaining un- paid charged upon Aids granted by Parliament	7,110,360 15 11	.. ..	7,110,360 15 11
Total Unfunded Debt, and Demands out- standing	7,110,360 15 11	17,758,700 0 0	24,869,060 15 11
WAYS AND MEANS	7,189,869 7 11		
SURPLUS OF WAYS AND MEANS.....	79,508 12 0		
Deduct the Amount of Exchequer Bills paid off out of Ways and Means, Money Grants, but which it is not proposed to replace by the issue of Exchequer Bills	8,500 0 0		
Surplus of Ways and Means remaining at the disposal of Par- liament.....	76,008 12 0		
EXCHEQUER BILLS to be issued to com- plete the charge upon the Consoli- dated Fund .....	.. ..	NIL.	NIL.

TRADE OF THE UNITED KINGDOM.

AN ACCOUNT of the VALUE of the IMPORTS into, and of the EXPORTS from, the United Kingdom of GREAT BRITAIN and IRELAND,

During each of the Three Years ending the 5th January, 1850; calculated at the Official Rates of Valuation, and distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.

YEARS ending 5th Jan.	VALUE of IMPORTS into the United Kingdom, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
1848	£ 90,921,866	£ 126,130,986	£ 20,036,160	£ 146,167,146	£ 58,842,377
1849	£ 93,547,134	£ 132,617,681	£ 18,368,113	£ 150,985,794	£ 52,849,445
1850	£ 105,874,607	£ 164,539,504	£ 25,561,890	£ 190,101,394	£ 63,596,025

Inspector-General's Office,
Custom House, London, March 23, 1850.

WILLIAM IRVING,
Inspector-General of Imports
and Exports.

TRADE OF GREAT BRITAIN WITH FOREIGN PARTS.

AN ACCOUNT of the Value of the IMPORTS into, and of the EXPORTS from, GREAT BRITAIN,

During each of the Three Years ending the 5th January, 1850; calculated at the Official Rates of Valuation, and stated exclusively of the Trade with Ireland; distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real or Declared Value thereof.

YEARS ending 5th Jan.	VALUE of IMPORTS into Great Britain, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM GREAT BRITAIN, Calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom, Exported from Great Britain, ac- cording to the Real or Declared Value thereof.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
1848	£ 82,886,971	£ 125,880,130	£ 19,999,344	£ 145,879,474	£ 58,610,156
1849	£ 89,253,156	£ 132,330,955	£ 18,360,026	£ 150,690,981	£ 52,615,546
1850	£ 99,843,038	£ 164,275,454	£ 25,557,329	£ 189,832,783	£ 63,819,937

Inspector-General's Office,
Custom-House, London, March 23, 1850.

WILLIAM IRVING,
Inspector-General of Imports
and Exports.

TRADE OF IRELAND WITH FOREIGN PARTS.

AN ACCOUNT of the Value of the IMPORTS into, and of the EXPORTS from, IRELAND, during each of the Three Years ending 5th January, 1850 (calculated at the Official Rates of Valuation, and stated exclusively of the Trade with GREAT BRITAIN); distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported from the Value of Foreign and Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from IRELAND, according to the Real or Declared Value thereof.

YEARS ending 5th January	VALUE of Im- ports into Ire- land, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM IRELAND, Calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom ex- ported from Ireland, accord- ing to the Real or De- clared Value thereof.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
	£	£	£	£	£
1848	8,034,895	250,856	36,816	287,672	232,221
1849	4,293,978	286,726	8,087	294,813	233,899
1850	6,031,569	264,050	4,561	268,611	276,088

Inspector General's Office, Custom House, London,
March 22, 1850.

WILLIAM IRVING,
Inspector General of Imports and Exports.

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE that were Built and Registered in the several Ports of the BRITISH EMPIRE in the Years ending the 5th January, 1848, 1849, and 1850, respectively.

	IN THE YEARS ENDING THE 5TH JANUARY,					
	1848.		1849.		1850.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	933	145,834	847	122,552	730	117,953
Isles of Guernsey, Jer- sey, and Man. }	48	4,090	31	3,388	41	3,313
British Plantations	756	155,313	655	101,988	608	109,518
TOTAL	1,737	305,237	1,533	227,928	1,379	230,784

Note.—The Account rendered for the Plantations for the year ending 5th January, 1848, is now corrected; and as several Returns for that part of the Empire are not yet received for the last year, a similar correction will be necessary when the next Account is made up.

Custom House, London, }
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

NAVIGATION OF THE UNITED KINGDOM—continued.

VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 31st December, 1847, 1848, and 1849 respectively.

	On 31st December, 1847.			On 31st December, 1848.			On 31st December, 1849.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom	24,400	3,254,353	183,278	24,632	3,344,704	185,820	25,071	3,427,140	186,960
Isles of Guernsey, Jersey, and Man	791	53,568	5,700	506	56,045	5,661	681	68,818	5,941
British Plantations	7,788	644,603	43,906	8,034	651,351	44,592	8,188	658,157	45,071
TOTAL	32,979	4,052,524	233,884	33,172	4,052,100	236,073	34,000	4,144,115	237,071

Custom House, London, }
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the number of MEN and BOYS employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards at the several Ports of the UNITED KINGDOM from and to Foreign Parts, during each of the Three Years ending 5th January, 1850.

YEARS ending 5th January.	SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM, From Foreign Parts.								
	British and Irish Vessels.			Foreign Vessels.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	24,017	4,942,004	252,808	14,780	2,253,059	118,326	38,806	7,196,063	371,134
1849	21,783	4,665,653	223,932	13,100	1,960,412	103,532	34,883	6,626,065	327,464
1850	23,646	4,894,210	245,713	13,426	2,035,000	106,679	37,072	6,929,210	352,392

YEARS ending 5th January.	SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, To Foreign Parts.								
	British and Irish Vessels.			Foreign Vessels.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	22,000	4,770,370	240,818	15,356	2,312,793	119,404	37,356	7,083,163	360,222
1849	21,177	4,724,037	244,971	13,645	2,056,654	106,823	34,822	6,780,691	351,794
1850	23,829	4,785,433	248,023	16,273	2,290,000	120,035	40,102	7,075,433	368,058

Custom House, London, }
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

NAVIGATION OF GREAT BRITAIN.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of the BRITISH EMPIRE (except IRELAND), in the Years ending 5th January, 1848, 1849, and 1850 respectively.

	IN THE YEARS ENDING 5TH JANUARY,					
	1848.		1849.		1850.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
England	742	112,206	658	92,394	570	91,683
Scotland	161	30,744	156	27,728	135	24,123
Isle of Guernsey	4	469	3	415	4	491
—— Jersey	23	2,223	13	1,968	17	1,920
—— Man	21	1,398	15	1,005	20	902
British Plantations..	756	155,313	655	101,988	608	109,518
TOTAL	1,707	302,353	1,500	225,498	1,354	228,637

Note.—The Account rendered for the Plantations for the Year ending 5th January, 1849, is now corrected; and as several Returns for that part of the Empire are not yet received for the last Year a similar correction will be necessary when the next Account is made up.

Custom House, London, March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

VESSELS REGISTERED.

AN ACCOUNT of the Number of Vessels, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE (except Ireland), on the 31st December, 1847, 1848, and 1849, respectively.

	On the 31st December, 1847.			On the 31st December, 1848.			On the 31st December, 1849.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
England	18,433	2,470,531	138,006	13,794	2,552,574	140,006	19,061	2,686,685	141,353
Scotland	3,625	512,306	30,642	3,601	522,145	31,000	3,677	522,773	30,456
Isle of Guernsey	120	14,064	952	142	15,474	1,032	141	16,013	1,031
—— Jersey	325	20,714	2,326	324	30,560	2,723	340	32,066	2,940
—— Man	334	9,770	1,803	340	10,002	1,806	350	10,749	1,901
British Plantations..	7,738	644,003	43,906	8,064	661,251	44,502	8,188	628,157	45,071
Total	30,600	3,680,908	218,332	31,325	3,782,418	221,347	31,757	3,876,433	223,361

Custom House, London, March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

NAVIGATION OF IRELAND.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of IRELAND, in the Years ending 5th January, 1848, 1849, and 1850, respectively.

	VESSELS.	TONNAGE.
Year ending 5th January, 1848.....	30	2,884
„ 1849.....	33	2,430
„ 1850.....	25	2,147

Custom House, London,
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of IRELAND, on the 31st December, 1847, 1848, and 1849, respectively.

	VESSELS.	TONNAGE.	MEN.
On the 31st December, 1847	2,319	265,558	14,538
„ 1848	2,347	269,742	14,722
„ 1849	2,333	267,682	14,590

Custom House, London,
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

NAVIGATION OF IRELAND—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and Boys employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards at the several Ports of IRELAND, from and to all Parts of the World, during each of the Three Years ending 5th January, 1850 :—Also, showing the Number and Tonnage of Shipping entered Inwards and cleared Outwards during the same Period, exclusive of the Intercourse with GREAT BRITAIN.

SHIPPING ENTERED INWARDS IN IRELAND,
From all Parts of the World.

YEARS ending 5th January.	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	19,020	2,393,075	131,420	1,153	249,288	10,913	20,773	2,633,363	142,333
1849	20,238	2,400,247	133,606	602	110,157	5,526	20,940	2,570,404	139,134
1850	19,683	2,436,522	128,307	700	146,427	7,240	20,453	2,582,949	135,547

SHIPPING ENTERED INWARDS IN IRELAND,
From all Parts (except Great Britain).

YEARS ending 5th January.	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	2,109	393,067	18,124	1,153	249,288	10,913	3,262	633,355	29,037
1849	1,343	284,194	12,640	602	110,157	5,526	1,944	394,351	18,166
1850	1,677	317,707	13,743	700	146,427	7,240	2,443	464,134	20,983

SHIPPING CLEARED OUTWARDS FROM IRELAND,
To all Parts of the World.

YEARS ending 5th January.	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	10,110	1,678,414	96,302	904	198,923	8,906	11,014	1,877,337	104,537
1849	10,306	1,720,206	98,667	437	78,863	4,021	10,943	1,799,159	97,568
1850	9,008	1,739,951	96,974	670	124,363	6,268	10,008	1,864,313	103,242

SHIPPING CLEARED OUTWARDS FROM IRELAND,
To all Parts (except Great Britain).

YEARS ending 5th January.	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	1,636	369,378	16,761	904	198,923	8,906	2,540	568,301	25,750
1849	817	231,840	9,943	437	78,863	4,021	1,254	310,703	13,964
1850	916	239,621	10,352	670	124,363	6,268	1,586	363,984	16,620

Custom House, London, March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

[1848—49.]

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*CORRESPONDENCE relative to the conclusion of the Preliminaries of Peace and the Convention of Armistice between Denmark and Prussia, of July 10, 1849.—July, 1849.**

No. 1.—The Earl of Westmorland to Visc^t. Palmerston.—(Rec. July 11.)
(Extract.) *Berlin, July 8, 1849.*

I HAVE the satisfaction of announcing to your Lordship that, at a conference held this morning at my house, all the Articles of the Preliminaries of Peace between Prussia and Denmark, and of the Armistice, have been gone through and agreed to, and signed with the initials of the 2 Plenipotentiaries, Baron Schleinitz and M. de Reedtz.

These documents will be drawn up and translated from the French into German and Danish, and the formal signature will take place at my house on Tuesday next.

Viscount Palmerston, G.C.B.

WESTMORLAND.

No. 2.—The Earl of Westmorland to Visc^t. Palmerston.—(Rec. July 13.)
(Extract.) *Berlin, July 10, 1849.*

I HAVE the honour of forwarding to your Lordship the Preliminaries of Peace between Prussia and Denmark, and the Armistice which I reported to your Lordship in my despatch of the 8th July, had been initiated by the 2 Plenipotentiaries, M. de Schleinitz and M. de Reedtz, and which have this day at my house been formally drawn up and signed by them.

Viscount Palmerston, G.C.B.

WESTMORLAND.

No. 3.—Sir Henry Wynn to Viscount Palmerston.—(Rec. July 23.)
MY LORD, *Copenhagen, July 19, 1849.*

I HAVE the honour to inclose a copy of a note I have received from Count Moltke, covering copies of the late Conventions signed at Berlin, and expressing his hopes that Her Majesty's Government would continue their good offices for the attainment of a permanent peace.

I have, &c.

Viscount Palmerston, G.C.B.

H. W. WILLIAMS WYNN.

(Inclosure.)—Count Moltke to Sir Henry Wynn.

M. LE CHEVALIER,

J'AI l'honneur de vous prévenir que le 10 de ce mois ont été signés à Berlin une Convention d'Armistice entre le Danemark et la Prusse, et les préliminaires d'une paix définitive entre le Danemark et l'Allemagne.

Les 2 Conventions ont été ratifiées hier par Sa Majesté le Roi mon auguste maître, et les ratifications royales ont immédiatement été

* Laid before Parliament, 1849.

expédiées pour Berlin, afin d'y être échangées dans le plus bref délai possible contre celle de Sa Majesté le Roi de Prusse.

Je remplis un devoir, M. le Chevalier, en vous réitérant mes sincères remerciements pour la part active que vous n'avez cessé de prendre aux négociations qui ont précédé la conclusion des 2 Conventions signées en dernier lieu à Berlin.

Le Roi aime à apprécier vos efforts, et Sa Majesté m'a chargé d'avoir l'honneur de vous en exprimer ici sa haute satisfaction.

Je m'empresse de vous transmettre sous ce pli une copie confidentielle des 2 Conventions, que je vous prie de porter à la connaissance de votre Gouvernement, qui je n'en doute pas trouvera, dans les nouveaux et grands sacrifices que le Danemark a faits dans l'intérêt du rétablissement de la tranquillité du Nord, et du commerce des Puissances amies et alliées, un motif de plus pour appuyer notre juste cause et pour nous conserver un concours si nécessaire pour assurer un résultat satisfaisant aux négociations définitives de paix qui vont incessamment s'ouvrir à Londres.

Je saisis, &c.

A. MOLTKE.

No. 4.—The Earl of Westmorland to Viscount Palmerston.—(Rec. July 23.)
(Extract.) *Berlin, July 19, 1849.*

I HAVE the honour of transmitting the legalized copy of the Protocol containing the Preliminary Articles of Peace, and of the Armistice, as they have been signed by the Prussian and Danish Plenipotentiaries and ratified by the King of Prussia.

Viscount Palmerston, G.C.B.

WESTMORLAND.

(Inclosure 1.)—Preliminaries of Peace between Denmark and Prussia, signed at Berlin, July 10, 1849.

PROTOCOLE.

LES Soussignés, Plénipotentiaires nommés respectivement par Sa Majesté le Roi de Danemark et Sa Majesté le Roi de Prusse, à l'effet de poser les bases d'une paix définitive destinée à aplanir le différend qui s'est élevé entre eux sur les rapports du Duché de Slesvig, sont convenus, avec le concours du Comte de Westmorland, Ministre de Sa Majesté Britannique à Berlin, comme Représentant de la Puissance médiatrice, des Articles Préliminaires de Paix suivants :

ART. I. Le Duché de Slesvig aura une Constitution séparée pour ce qui regarde sa législature et son administration intérieure, sans être uni au Duché de Holstein, et laissant intacte l'union politique qui rattache le Duché de Slesvig à la Couronne Danoise.

II. L'organisation définitive du Duché de Slesvig résultant de cette base, fera l'objet de négociations ultérieures, auxquelles les Hautes Parties Contractantes inviteront la Grande Bretagne à prendre part en qualité de Puissance médiatrice.

III. Les Duchés de Holstein et de Lauenbourg continueront à faire partie de la Confédération Germanique.

Le règlement définitif de la position que ces duchés occuperont dans le susdit corps politique, par suite des changements qui vont s'opérer dans la constitution de l'Allemagne, est réservé à une entente ultérieure entre les Hautes Parties Contractantes.

L'un des objets de cette entente sera de maintenir autant que le comportent le principe consacré par l'Article I de la présente Convention, et la position future du Duché de Holstein vis-à-vis des autres Etats Allemands, les liens non-politiques des intérêts matériels qui ont subsisté entre les Duchés de Holstein et de Slesvig.

Sa Majesté le Roi de Danemarck, Duc de Holstein, accordera à ce duché dans le plus bref délai possible, une Constitution Représentative.

IV. Il est entendu que les stipulations renfermées dans les Articles précédents ne préjugeront en aucune manière la question de la succession dans les Etats réunis sous le sceptre de Sa Majesté Danoise, ni les droits éventuels de qui que ce soit.

Afin de prévenir les complications qui pourraient résulter des doutes soulevés relativement à l'ordre de succession, sa dite Majesté, aussitôt après la paix définitive, prendra l'initiative de propositions tendantes à régler cet ordre de succession d'un commun accord avec les Grandes Puissances.

V. Les Hautes Parties Contractantes conviennent de réclamer la garantie des Grandes Puissances pour la stricte exécution de la paix définitive relativement au Duché de Slesvig.

Le présent Protocole, expédié en double, sera revêtu de l'approbation de Sa Majesté le Roi de Danemarck et de Sa Majesté le Roi de Prusse, et les 2 exemplaires ainsi approuvés respectivement, seront échangés à Berlin dans l'espace de 8 jours, ou plus tôt si faire se peut, à compter du jour de la signature, après quoi communication de ce Protocole sera faite de part et d'autre à Sa Majesté la Reine de la Grande Bretagne.

En foi de quoi les Plénipotentiaires ont signé ce Protocole, et y ont apposé le sceau de leurs armes.

Fait à Berlin, ce 10 Juillet, l'an 1849.

(L.S.) REEDTZ.

(L.S.) SCHLEINITZ.

(Inclosure 2.)—*Convention of Armistice between Prussia and Denmark, concluded at Berlin, July 10, 1849.*

LA signature des Préliminaires de la Paix entre Sa Majesté le Roi de Danemarck d'une part et Sa Majesté le Roi de Prusse de l'autre, ayant eu lieu ce jour, leurs dites Majestés ayant vivement à cœur de mettre dès à présent un terme aux calamités de la guerre et à l'effusion du sang, et croyant en outre devoir prendre par rapport au Duché

de Slesvig, des mesures propres à y préparer les voies à une pacification définitive et durable, en conformité du principe établi par l'Article I des susdits Préliminaires, ont résolu de conclure dans ce double but, une Convention d'Armistice, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Danemarck, le Sieur Holger Christian de Reedtz, son Chambellan, Commandeur de son Ordre du Danebrog avec la Croix d'Argent du même ordre, Commandant de l'Ordre Royal de l'Etoile Polaire de Suède, de celui de la Légion d'Honneur de France, et de celui de Léopold de Belgique ;

Et Sa Majesté le Roi de Prusse, le Sieur Alexandre Gustave Adolphe Baron de Schleinitz, son Chambellan, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre, son Altesse Royale le Grand Duc d'Oldenbourg, son Altesse le Duc de Brunswick, son Altesse le Prince de la Schaumbourg-Lippe, Chevalier des Ordres Prussiens de St. Jean de Jérusalem et de l'Aigle Rouge, 3ème classe, décoré du Nichan Iftihar ;

Lesquels, avec le concours du Comte de Westmorland, Ministre de Sa Majesté Britannique à Berlin, comme Représentant de la Puissance médiatrice, et après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les Articles suivants :

ART. I. A dater du jour de l'échange des ratifications de la présente Convention, il y aura une suspension complète des hostilités par terre et par mer pendant 6 mois, et au-delà de ce terme, jusqu'à l'expiration de 6 semaines après que l'Armistice aurait été dénoncé de part ou d'autre.

Si le présent Armistice était dédit, les troupes Prussiennes et Allemandes pourront occuper la partie continentale du Duché de Slesvig, laquelle, dans ce cas, serait évacuée par les troupes neutres qui d'après l'Article V pourraient s'y trouver encore.

II. Sa Majesté le Roi de Prusse fera transmettre au Général, commandant-en-chef l'Armée Prussienne et Allemande réunie dans le Jutland et dans les Duchés de Slesvig et de Holstein, l'ordre d'évacuer le Jutland, et de prendre, dans l'espace de 25 jours, les positions indiquées dans les Articles III et V.

III. Le Général-en-Chef des troupes Danoises et celui des troupes Prussiennes et Allemandes nommeront des officiers Danois et Prussiens, lesquels, dans le but de fixer la délimitation des territoires à occuper respectivement par les troupes Prussiennes et neutres, tireront et consigneront sur une carte une ligne de démarcation à partir d'un point sur la côte près et au sud-est de la ville de Flensbourg, jusqu'à un point sur la côte et au nord-ouest de la ville de Tondern, laissant la première de ces villes, ainsi que les enclaves Jutlandaises au nord, et la ville de Tondern au sud de la dite ligne de démarcation.

IV. Sa Majesté le Roi de Prusse pourra conserver, pendant la

durée de l'Armistice, dans le Duché de Slesvig et au midi de la susdite ligne de démarcation, un corps d'armée dont la force n'excédera pas 6,000 hommes. Sa Majesté le Roi de Danemarck pourra continuer d'occuper militairement les Iles d'Als et d'Arroe.

V. Ces troupes Danoises et Prussiennes seront les seules forces militaires qui pourront rester dans le Duché de Slesvig pendant la durée de l'Armistice, à l'exception d'un corps de troupes neutres dont la force n'excédera pas 2,000 hommes et qui occupera la partie continentale du Duché de Slesvig située au nord de la ligne de démarcation.

L'entretien et la solde des dites troupes neutres seront à la charge de Sa Majesté Danoise.

Les Hautes Parties Contractantes inviteront Sa Majesté le Roi de Suède et de Norvège à vouloir bien fournir ce corps de troupes neutres.

Il ne sera pas mis de part ou d'autre, de garnison dans les enclaves Jutlandaises dans le Duché de Slesvig pendant la durée de l'Armistice.

VI. En même temps que les troupes, réunies sous les ordres du Général Commandant-en-Chef l'armée Prussienne et Allemande, prendront les positions désignées dans l'Article III, Sa Majesté le Roi de Danemarck fera lever les blocus des ports Prussiens et Allemands établis par ses forces navales.

Les ordres relatifs à l'exécution des Articles précédents seront expédiés le même jour aux généraux et officiers commandants les armées et les forces navales respectives.

VII. Tous les bâtiments marchands qui ont été amenés de part ou d'autre, depuis le commencement des hostilités, seront rendus, ainsi que leurs cargaisons, immédiatement après la levée du blocus. Quant aux bâtiments ou aux cargaisons qui auraient été vendus, leur valeur sera restituée.

En revanche Sa Majesté le Roi de Prusse s'engage à restituer et à faire restituer les contributions en argent prélevées dans le Jutland par les troupes Prussiennes et Allemandes, ainsi que la valeur des chevaux requis militairement pour l'usage de l'armée Prussienne et Allemande, sans avoir été rendue depuis à qui de droit. L'approvisionnement et le logement des dites troupes, ainsi que les fourrages qui leur ont été fournis, demeureront à la charge du pays.

Afin de régler ce remboursement, un Commissaire nommé par Sa Majesté le Roi de Danemarck, et un Commissaire nommé par Sa Majesté le Roi de Prusse, se réuniront sur les lieux 6 semaines après l'échange des ratifications de la présente Convention.

Ces Commissaires régleront cette affaire dans l'espace de 4 semaines, et si à l'expiration de ce terme il y avait encore des réclamations contestées à l'égard desquelles ils n'auraient pas pu

tomber d'accord, ces réclamations seront soumises à la décision définitive d'un arbitre que les Hautes Parties Contractantes inviteront le Gouvernement de Sa Majesté Britannique à vouloir bien désigner.

Le montant des différentes compensations sera remboursé au plus tard 6 mois à compter du jour de l'échange des ratifications de la présente Convention.

VIII. Tous les prisonniers de guerre et politiques seront mis en liberté de part et d'autre sans restrictions. L'échange des prisonniers sera effectué à Flensbourg tout au plus tard 25 jours après l'échange des ratifications de la présente Convention.

IX. Sa Majesté le Roi de Prusse invitera tous les Gouvernements qui ont pris une part active à la guerre actuelle contre le Danemarck, à déclarer, aussi promptement que possible, leur accession à la présente Convention, dont les stipulations deviendront par là obligatoires pour eux, en même temps qu'elles recevront leur pleine application pour ce qui les concerne.

X. Il sera établi, pour la totalité du Duché de Slesvig, une Commission Administrative (*Landes-Verwaltung*), qui, pendant la durée de l'armistice gouvernera ce pays au nom de Sa Majesté le Roi de Danemarck.

Elle sera composée de 2 membres, dont l'un sera choisi par Sa Majesté le Roi de Danemarck, et l'autre par Sa Majesté le Roi de Prusse, aux quels sera adjoint un commissaire que Sa Majesté la Reine de la Grande Bretagne sera invitée à nommer pour décider, en qualité d'arbitre, en cas de diversité d'opinions entre les 2 autres membres.

Les fonctions de cette Commission seront d'administrer le Duché de Slesvig conformément aux lois en vigueur et d'y maintenir l'ordre et la tranquillité. Elle sera investie, dans ce but, de toute l'autorité nécessaire, à l'exception toutefois du pouvoir législatif, qui restera suspendu pendant la durée de l'armistice.

Quant aux lois, ordonnances, et mesures administratives quelconques émanées pour le Duché de Slesvig depuis le 17 Mars, 1848, la dite Commission aura la faculté d'examiner et de décider lesquelles de ces lois, ordonnances, et mesures administratives, il conviendra d'abroger ou de maintenir, dans l'intérêt bien entendu du pays.

XI. Les forces militaires nécessaires pour le maintien de l'ordre seront fournies à la Commission Administrative, et sur sa requisition : pour les Iles d'Als et d'Arroe, par le Général commandant les troupes Danoises ; dans la partie méridionale du Duché de Slesvig, par le Général commandant les troupes Prussiennes ; et pour la partie continentale du Duché de Slesvig située au nord de la ligne de démarcation, par le Commandant-en-Chef des troupes neutres stationnées respectivement dans ces districts.

XII. La Commission Administrative du Slesvig s'entendra avec

le Gouvernement Danois pour convenir d'un pavillon intérimaire, sous lequel les navires Slesvigois pourront naviguer pendant la durée de l'armistice, en jouissant des mêmes avantages que les bâtimens Danois.

XIII. Les postes et autres communications intérieures reprendront leur cours regulier. Le passage libre des postes par le Duché de Holstein, et le maintien de l'établissement postal à Hambourg, sont expressément réservés.

XIV. La présente Convention sera ratifiée, et les ratifications en seront échangées à Berlin dans l'espace de 8 jours, ou plus tôt, si faire se peut, à dater du jour de la signature.

La présente Convention, expédiée en double, a été dressée en langue Française, Danoise, et Allemande. Il est convenu que les doutes qui pourraient s'élever sur l'interprétation de la Convention, seront décidés d'après la teneur du texte Français.

En foi de quoi les Plénipotentiaires ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Berlin, ce 10 Juillet, l'an 1849.

(L.S.) REEDTZ.

(L.S.) SCHLEINITZ.

*ACT between Russia and Turkey, for the more effectual Protection of the Immunities and Privileges of the Principalities of Moldavia and Wallachia.—Signed at Balta-Liman, ^{April 10,}
^{May 1,} 1849.*

(Translation.)

HIS Imperial Majesty the Most High and Most Mighty Emperor and Autocrat of all the Russias, and His Imperial Majesty the Most High and Most Mighty Emperor and Padishah of the Ottomans, animated by an equal solicitude for the well-being of the Principalities of Moldavia and of Wallachia, and faithful to the antecedent engagements which secure to the said Principalities the privilege of a distinct administration and certain other local immunities, have recognized that in consequence of the commotions by which those Provinces, and more particularly Wallachia, have been agitated, it becomes necessary to adopt by common agreement extraordinary and effectual measures for the protection of those immunities and privileges, either against revolutionary and anarchical convulsions, or against the abuses of power which paralyzed the execution of the laws therein, and deprived the peaceable inhabitants of the benefits of the administration which the 2 Principalities ought to enjoy in virtue of the solemn Treaties concluded between Russia and the Sublime Porte.

For this purpose we, the Undersigned, by order and by the express authorization of His Majesty the Emperor of all the Russias, and his

Highness Reschid Pasha, Grand Vizier, and his Excellency Aali Pasha, Minister for Foreign Affairs of the Sublime Ottoman Porte, by order and by the express authorization of His Majesty the Sultan, after having duly communicated and concerted together, have agreed upon and concluded the following Articles:

ART. I. Considering the exceptional circumstances brought on by the recent events, the 2 Imperial Courts have agreed, that instead of following the mode established by the regulation of 1831 for the election of the Hospodars of Moldavia and Wallachia, those high functionaries shall be nominated by His Majesty the Sultan, according to a mode especially agreed upon for this occasion between the 2 Courts, with the view of confiding the administration of those Provinces to the candidates most worthy, and enjoying the best reputation among their fellow-countrymen. For this occasion likewise, the 2 Hospodars shall only be nominated for 7 years, the 2 Courts reserving to themselves, a year before the expiration of the term fixed for the present agreement, to take into consideration the internal state of the Principalities, and the services which may have been rendered by the 2 Hospodars, in order, by mutual agreement, to consider of the further determinations to be taken.

II. The Organic Statute granted to the Principalities, in 1831, shall remain in force, saving the alterations and modifications of which the necessity shall have been proved by experience, specifically in regard to the ordinary and extraordinary assemblies of the Boyards. These assemblies, in the form in which they have heretofore been composed and elected, having more than once given rise to deplorable conflicts, and even to acts of open insubordination, their convocation shall continue to be suspended, and the 2 Courts reserve to themselves to come to an understanding on the subject of their re-establishment on bases settled with all requisite deliberation, at the time when they shall judge that that measure can be carried into effect without inconvenience as regards the maintenance of public tranquillity in the 2 Principalities. The deliberative functions shall be provisionally entrusted to councils or divans *ad hoc*, composed of the Boyards who are the most notable and the most worthy of confidence, and of some members of the higher clergy. The principal attributes of these Councils shall be the assessment of the taxes, and the examination into the yearly budget in the 2 Provinces.

III. In order to proceed with all necessary deliberation to the organic improvements required by the actual state of the Principalities and the administrative abuses which have been introduced there, 2 Commissions of Revision shall be established, one at Jassy and the other at Bucharest, composed of the Boyards most commendable from their character and abilities, to whom shall be entrusted the task of revising the existing regulations, and of pointing out the

modifications best calculated to confer upon the administration of the country the regularity and unity in which they have frequently been deficient.

The work of these Commissions shall be submitted with the shortest delay possible to the examination of the Ottoman Government, which, after having come to an understanding with the Court of Russia thereupon, and having thus proved their mutual approbation, shall grant to the said modifications its definitive sanction, which shall be published in the usual manner by a hatti-sherif of His Majesty the Sultan.

IV. The troubles which have so deeply disturbed the Principalities having demonstrated the necessity of affording to their Governments the support of a military force capable of promptly repressing every insurrectional movement, and of causing the established authorities to be respected, the 2 Imperial Courts have agreed to prolong the presence of a certain portion of the Russian and Ottoman troops which at present occupy the country; and specifically, in order to preserve the frontiers of Wallachia and of Moldavia from casualties from abroad, it has been determined to leave therein, for the time, from 25,000 to 35,000 men of each of the 2 Parties. After the tranquillity of the said frontiers shall be re-established, there shall remain in the 2 countries about 10,000 men on each side, until the completion of the work of the organic improvement and the consolidation of the internal tranquillity of the 2 Provinces. Thereupon the troops of the 2 Powers shall completely evacuate the Principalities, but they shall still remain at hand to re-enter immediately, in case the occurrence of serious events in the Principalities should require that measure to be again adopted. Independently of that, provision shall be made for completing without delay the reorganization of the native militia, so that by its discipline and efficiency it may afford a sufficient guarantee for the maintenance of legal order.

V. Pending the duration of the occupation the 2 Courts shall continue to cause an Extraordinary Russian Commissioner and an Extraordinary Ottoman Commissioner to reside in the Principalities. These special agents will be commissioned to watch over the progress of affairs, and to offer in common to the Hospodars their advice and counsel whensoever they shall observe any serious abuses or any measure prejudicial to the tranquillity of the country. The said Extraordinary Commissioners shall be furnished with identic instructions agreed upon between the 2 Courts, which shall prescribe to them their duties and the degree of interference which they will have to exercise in the affairs of the Principalities. The 2 Commissioners will likewise have to agree together upon the choice of the members of the Commissions of Revision to be established in the Principalities, as has been stated in Article III. They will give an account to the

respective Courts of the work of those Commissions, adding thereto their own observations.

VI. The duration of the present arrangement is fixed at 7 years, at the expiration of which the 2 Courts reserve to themselves to take into consideration the situation in which the Principalities may then be, and to determine upon the ulterior measures which they may judge most suitable and proper to insure for a long time hereafter the well-being and the tranquillity of those Provinces.

VII. It is understood that by the present instrument, occasioned by exceptional circumstances, and concluded for a limited time, none of the stipulations existing between the 2 Courts in regard to the Principalities of Wallachia and Moldavia are set aside, and that all previous Treaties confirmed by the Separate Act of the Treaty of Adrianople retain their full force and effect.

The 7 preceding Articles having been agreed upon and concluded, our signature and the seal of our arms have been affixed to the present Instrument, which is delivered to the Sublime Porte, in exchange for that delivered to us by His Highness the Grand Vizier and his Excellency the Minister for Foreign Affairs aforesaid.

Done at Balta-Liman, ^{April 10}_{May 1}, 1849 (and of the Hegira, the 8th Djemasi-ul-Akhir, 1265).

(L.S.) RESHID PASHA.

(L.S.) VLADIMIR TITOFF,

(L.S.) AALI PASHA.

*Envoy Extraordinary and Minister
Plenipotentiary of H. M. the Emperor of
Russia at the Sublime Ottoman Porte.*

*INSTRUCTIONS addressed by the Government of France to
the French Agents at Vienna and at Gaeta, respecting the
French Expedition to Civita Vecchia.—April, 1849.**

*M. Drouyn de Lhuys to Admiral Cécille.—(Communicated to Viscount
Palmerston by Admiral Cécille, April 21.)*

M. L'AMIRAL,

Paris, le 19 Avril, 1849.

J'AI l'honneur de vous envoyer ci-joint copie de 2 dépêches que je viens d'écrire, l'une au Chargé d'Affaires de France à Vienne, l'autre à notre Ambassadeur auprès du St. Père et à notre Envoyé auprès de la Cour de Naples, pour leur faire connaître les motifs et le but de l'expédition qui va partir pour Civita Vecchia sous le commandement de M. le Général Oudinot. Je vous prie de vouloir bien en donner lecture à Lord Palmerston. Nous ne doutons pas que le Gouvernement Britannique n'apprécie comme il convient une détermination dont l'objet est tout à la fois de maintenir, autant qu'il

* Laid before Parliament, 1849.

dépendra de nous, l'équilibre politique, de garantir l'indépendance des Etats Italiens ; d'assurer aux populations Romaines un régime libéral et régulier ; et de les préserver des dangers d'une réaction aveugle, aussi bien que des fureurs de l'anarchie.

Agréez, &c.

E. DROUYN DE LHUYS.

(Inclosure 1.)—*M. Drouyn de Lhuys to M. de la Cour.*

MONSIEUR,

Paris, le 17 Avril, 1849.

LES événements accomplis avec tant de rapidité depuis quelques semaines dans le Nord de l'Italie ; les mouvements opérés par l'armée Autrichienne à la suite de la lutte si courte contre l'armée Piémontaise ; l'intention hautement annoncée par M. le Prince de Schwarzenberg d'intervenir dans toutes les contrées de la Péninsule voisines de la Lombardie ; enfin la délibération même de la Conférence de Gaëte, qui n'a cru pouvoir se rallier à aucune des idées suggérées par nos Plénipotentiaires : toutes ces circonstances nous ont fait penser que la France, pour conserver dans le règlement des affaires de l'Italie Centrale, la part d'influence qui lui appartient légitimement et dont la conservation est essentielle au maintien de l'équilibre politique, devait prendre une attitude plus prononcée. Le Gouvernement de la République s'est résolu à envoyer à Civita Vecchia un corps de troupes commandé par M. le Général Oudinot ; notre pensée en nous décidant à cette mesure n'a été ni d'imposer aux populations Romaines un régime que leur volonté libre aurait repoussé, ni de contraindre le Pape à adopter, lorsqu'il sera rappelé à l'exercice de sa puissance, tel ou tel système de Gouvernement. Nous avons cru, nous croyons plus que jamais, que par la force des choses, par l'effet de la disposition naturelle des esprits, le régime qu'a fondé à Rome la Révolution de Novembre dernier est destinée à succomber bientôt, et que le peuple Romain se replacera sous l'autorité du Souverain Pontife, pourvu qu'on le rassure contre les dangers d'une réaction ; mais nous croyons également, et à cet égard surtout, vous le savez, notre langage n'a jamais varié, nous croyons que cette autorité ne jettera de fortes racines, ne s'affermira contre de nouveaux orages, qu'à l'aide d'institutions qui préviennent le retour des anciens abus dont Pie IX avait avec un si généreux empressement commencé la réforme.

Faciliter un rapprochement qui s'opérerait sur de telles bases, donner au Saint Père et à tous ceux qui, soit à Rome, soit à Gaëte, sont disposés à y coopérer, l'appui dont ils peuvent avoir besoin pour surmonter les obstacles suscités par des prétentions exagérées ou par des mauvaises passions, tel est le but que nous avons assigné à notre expédition.

M. le Prince de Schwarzenberg comprendra, j'en ai la conviction, qu'après avoir pris l'importante détermination que j'ai l'honneur de

vous annoncer, nous n'ayons pas voulu en compromettre les chances de succès par les retards qu'aurait entraînés une communication préalable faite à la Conférence de Gaëte. La marche rapide des événements nous interdisait toute temporisation. Au surplus, nos intentions ne sont pas équivoques, et ne peuvent être suspectées. Ce que nous voulons c'est que le Saint Père en rentrant à Rome, s'y trouve placé dans une situation qui, tout à la fois satisfaisante pour lui et pour son peuple, garantisse l'Italie et l'Europe contre de nouvelles perturbations, et ne porte atteinte ni à l'équilibre politique ni à l'indépendance des Etats Italiens. Les moyens auxquels nous avons recours sont, si je ne me trompe, les plus propres à atteindre ce but. Ils doivent donc obtenir l'approbation de tous les amis de l'ordre et de la paix.

Nous ne verrons pas sans regret que l'Autriche, à qui l'occupation d'une partie considérable de la Haute Italie, et la victoire récemment remportée sur les Piémontais, assurent déjà une si grande part d'influence dans la Péninsule, crût devoir, comme elle l'a plus d'une fois indiqué, se procurer par l'occupation de Bologne, un gage nouveau qui, bien inutile pour elle au point de vue des intérêts sérieux, ne servirait qu'à inquiéter et à exciter les esprits.

Agréez, &c.

E. DROUYN DE LHUYS.

(Inclosure 2.)—*M. Drouyn de Lhuys to M. d'Harcourt and M. de Rayneval.*

MONSIEUR,

Paris, le 18 Avril, 1849.

LA détermination que vous annonçait une dépêche du 15 de ce mois est enfin arrêtée, et va recevoir son exécution. Un vote de l'Assemblée Nationale, rendu à la suite d'une discussion solennelle, ayant ouvert au Gouvernement de la République les crédits dont il avait besoin à cet effet, un corps de troupes commandé par le Général Oudinot sera dirigé sans retard sur Civita Vecchia. La pensée du Gouvernement de la République, en se décidant à cette mesure, n'a été ni d'imposer aux populations Romaines un régime que leur volonté libre aurait repoussé, ni de contraindre le Pape à adopter, lorsqu'il sera rappelé à l'exercice de sa puissance temporelle, tel ou tel système de Gouvernement. Nous avons cru, nous croyons plus que jamais, que par la force des choses, par suite de la disposition naturelle des esprits, le régime qu'a fondé à Rome la Révolution du mois de Novembre est destiné à succomber bientôt; que le peuple Romain, pourvu qu'on le rassure contre les dangers d'une réaction, se replacera avec empressement sous l'autorité du Souverain Pontife; et que Pie IX, rentrant dans ses Etats, y rapportera la politique généreuse, éclairée, libérale, dont il s'est naguères montré animé. Faciliter un rapprochement qui s'opérerait dans un pareil esprit, donner au St. Père et à

tous ceux qui, à Gaëte comme à Rome, sont disposés à co-opérer l'appui dont ils peuvent avoir besoin pour surmonter les obstacles suscités dans l'un ou l'autre sens par des influences exagérées ou de mauvaises passions, tel est le but que nous avons assigné à notre expédition. Veuillez, en annonçant, de concert avec M. de Rayneval, à M. le Cardinal Antonelli, le départ de la division commandée par M. le Général Oudinot, lui bien expliquer l'objet et la portée de la résolution que nous venons de prendre. Il comprendra que, pour se mettre en état d'en profiter, le St. Père doit se hâter de publier un manifeste, qui, en garantissant aux populations des institutions libérales et conformes à leur vœu comme aux nécessités des temps, fasse tomber toutes les résistances. Ce manifeste, paraissant au moment même où nos forces se montreraient sur les côtes des Etats de l'Eglise, serait le signal d'une conciliation qui ne laisserait en dehors qu'un bien petit nombre de mécontents. Vous ne sauriez trop insister sur l'utilité, sur la nécessité même, d'un pareil acte.

Il vous sera facile de faire comprendre aux membres de la Conférence de Gaëte que, si nous n'avons pas cru devoir attendre pour agir, le résultat des délibérations de cette Conférence, c'est parce que la marche rapide des événements ne nous le permettait pas. Ce que nous désirons c'est que le St. Père, en rentrant à Rome, se trouve placé dans une situation qui, tout à la fois satisfaisante pour lui et pour son peuple, garantisse l'Italie et l'Europe contre de nouvelles perturbations, et ne porte atteinte ni à l'équilibre politique ni à l'indépendance des Etats Italiens. Les moyens auxquels nous avons recours sont, si je ne me trompe, les plus propres à atteindre ce but. Ils doivent donc obtenir l'approbation de tous les amis de l'ordre et de la paix.

Agréé, &c.

E. DROUYN DE LHUYS.

*COMMUNICATION from the Austrian to the British Government, relative to the Advance of Austrian Troops into Tuscany and the Legations.—April, 1849.**

(Translation.)

Prince Schwarzenberg to Count Colloredo.—(Communicated to Viscount Palmerston by Count Colloredo, May 17, 1849.)

M. LE COMTE,

Vienna, April 29, 1849.

THE Government of the Emperor has sent to Marshal Count Radetzky orders to advance troops as well into Tuscany as into the Legations.

In deciding upon this measure we have only responded to the demand which has been addressed to us to this effect on the part of

* Laid before Parliament, 1849.

the Grand Duke of Tuscany, as well as on the part of the Holy Father, the latter having at the same time applied for the armed intervention of France, Spain, and Naples.

The object of our intervention is no other than the re-establishment of the legitimate Governments and of legal order. Whenever this object shall have been attained, and, thanks to the co-operation of the same portion of the population, it will be so we hope shortly, our troops will retire.

As regards the intervention in the State of the Church, we could have wished to have been allowed to wait until the decisions of the Conference of Gaeta, while placing in relief the agreement existing between the Powers whose support the Holy Father has especially claimed, had given to their endeavours combination and uniformity.

France having decided by the expedition to Civita Vecchia, to act in advance of the decisions of the Conference, we do not the less hope, that the object at which her isolated efforts aim, will prove to be the same as that which the 4 Powers had been called upon to effect by common action.

For our part, we only wish to comply with the wishes of the Holy Father, identical with those of the civilized world, by co-operating within the limits of our means, to restore to the Chief of the Universal Church his liberty and independence, which Catholic populations cannot with indifference see destroyed to the advantage of an anarchistical party. France, if we examine it well, can have no other object; I therefore willingly believe that the measures of the 2 Powers, while they may appear to be dictated by different impulses, will not bring about any conflict between them; but, on the contrary, will lead to results equally conducive to the well-being of the people of Central Italy, and to the cause of general order.

I beg you, M. le Comte, to allow the Principal Secretary of State to read this despatch.

Accept, &c.

SCHWARZENBERG.

ACT of the British Parliament, "for giving effect to the stipulations of a Treaty between Her Majesty and the Queen of Portugal, for the apprehension of certain Deserters."

[12 & 13 Vict. cap. 25.]

[June 26, 1849.]

WHEREAS by the XVIth Article of a Treaty of Commerce and Navigation between Her Majesty and the Queen of Portugal, signed at Lisbon on the 3rd day of July, 1842,* the ratifications whereof were exchanged at Lisbon on the 30th day of the same month, it was agreed

* Vol. XXX, Page 527.

“ that if any apprentices or sailors should desert from vessels belonging to the subjects of either of the High Contracting Parties while such vessels were within any port in the territory of the other party, the magistrates of such port and territory should be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the Party concerned, or by the deputy or representative of the Consul, and no public body, civil or religious, should protect or harbour such deserters ;” and by the XIXth Article of the said Treaty it was further agreed, “ that the said Treaty should be in force for the term of 10 years from the date thereof, and further until the end of 12 months after either of the High Contracting Parties should have given notice to the other of its intention to terminate the same, each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the end of the said term of 10 years, or at any subsequent time ; and it was thereby agreed between them, that at the expiration of 12 months after such notice should have been received by either party from the other, the said Treaty and all the provisions thereof should altogether cease and determine :” and whereas it is expedient that provision should be made for carrying the said Treaty into effect : be it therefore enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in case any apprentice or sailor shall desert from any vessel belonging to any Portuguese subject or subjects while such vessel shall be within any port in any of Her Majesty’s dominions, or the territories under the government of the East India Company, all justices of the peace and other magistrates and officers of justice within their several jurisdictions shall, on application being made by a Portuguese Consul, or his deputy or representative, according to the provisions of the said Treaty, aid in apprehending such apprentice or sailor ; and upon any such application, it shall be lawful for any justice of the peace, or other magistrate or person, having power to commit for trial persons accused of crimes against the laws of that part of Her Majesty’s dominions or territories in which such apprentice or sailor shall be found, to issue his warrant for the apprehension of such apprentice or sailor, and, upon due proof of such desertion as aforesaid, to order such apprentice or sailor to be conveyed on board the said vessel, or to be delivered to the master, mate, or owner of such vessel, or his agent, for the purpose of being so conveyed ; and it shall be lawful for such master, mate, owner, or agent, or any other person, in pursuance of the order in that behalf, to convey such apprentice or sailor accordingly.

II. And be it enacted, that no person shall protect or harbour any

apprentice or sailor who shall have deserted as aforesaid, knowing or having reason to believe such apprentice or sailor to have so deserted; and every person so offending shall, for every such apprentice or seaman so protected or harboured, forfeit and pay the sum of 10*l.*; and such penalty shall be recovered, paid, and applied, in like manner as the penalty imposed by an Act passed in the 8th year of Her Majesty [cap. 112], intituled, "An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen," upon a person harbouring or secreting a seaman or apprentice having deserted from his ship; and the provisions of such Act applicable to such last-mentioned penalty, and to the proceedings for the recovery thereof, shall be applicable to the penalty imposed by this Act, and to the proceeding for the recovery thereof.

III. And be it enacted, that if by any law or ordinance to be hereafter made by the local Legislature of any British colony or possession abroad, provision shall be made for carrying into complete effect within such colony or possession the objects of this present Act, by the substitution of some other enactment in lieu thereof, then it shall be competent to Her Majesty, with the advice of her Privy Council, (if to Her Majesty in Council it shall seem meet, but not otherwise,) to suspend the operation within any such colony or possession of this present Act, so long as such substituted enactment shall continue in force there, and no longer.

IV. And be it enacted, that this Act shall continue in force during the continuance of the said Treaty.

ACT of the British Parliament, "for carrying into effect Engagements between Her Majesty and certain Arabian Chiefs in the Persian Gulf, for the more effectual Suppression of the Slave Trade."

[12 & 13 Vict. cap. 84.]

[August 1, 1849.]

WHEREAS on the 30th day of April, in the year of our Lord 1847, an engagement was concluded between Major S. Hennell, the Resident in the Persian Gulf, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Sultan Bin Sagger, Shaik of Ras-el-Khyma and Shargah, in the Persian Gulf, the Chief of the Joasmee Arabs, whereby it was agreed as follows:

[See Vol. XXXVI. Page 691.]

And whereas on the said 30th day of April, 1847, an engagement was also concluded between Major S. Hennell, the Resident in the Persian Gulf, on behalf of Her Majesty the Queen of the United

[1848—49.]

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Kingdom of Great Britain and Ireland, and Muktoom Bin Buttye, Shaik of Debaye, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas on the 1st day of May, in the said year 1847, an engagement was also concluded between the said Major S. Hennell, on behalf of Her Majesty, and Abdool Azeez Bin Rashad, Shaik of Eginan, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas on the said 1st day of May an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Shaik Abdullah Bin Rashid, Shaik of Amulgavine, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas on the 3rd day of May, in the said year 1847, an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Shaik Saeed Bin Tahnoon, Chief of Aboothabee, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas on the 8th day of May, in the said year 1847, an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Shaik Mahomed Bin Khuleefa Bin Subman, Chief of Bahrein, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas it is expedient that effectual provision should be made for carrying into execution the provisions of the said several agreements: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commanders and other officers of Her Majesty's ships of war, or of the East India Company, to visit and detain in any seas any vessel belonging to either of the said respective Chiefs—Shaik Sultan Bin Suggest, Chief of the Joasmee tribe ; Muktoom Bin Buttye, Shaik of Debaye ; Abdool Azeez Bin Rashid, Shaik of Eginan ; Abdullah Bin Rashid, Shaik of Amulgavine ; Saeed Bin Tahnoon, Shaik of the Beni Yas, Chief of Aboothabee ; Mahomed Bin Khuleefa Bin Subman, Chief of Bahrein, or to any of their subjects or dependents, which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves, or having been fitted out for that purpose ; and to send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

II. And be it enacted, that it shall be lawful for the High Court of Admiralty of England, and for all courts of Vice-Admiralty in any dominions of Her Majesty beyond the seas, including those courts of

Vice-Admiralty within the territories under the Government of the East India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreements, and to condemn any such vessel to Her Majesty, and adjudge as to the slaves found therein, in like manner and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force, in relation to the suppression of the Slave Trade by British-owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or courts of Vice-Admiralty.

III. And be it enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said engagements of this Act shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of Her Majesty near thereto, in which there is a court of competent jurisdiction to try any such offence, or in Her Majesty's court of Queen's Bench, in England; and that in case of any prosecution for such offence in Her Majesty's said court of Queen's Bench, the venue may be laid in the county of Middlesex.

IV. And be it enacted, that the pendency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreements, or the final adjudication, condemnation, or judgment, or determination thereupon, may be pleaded in bar, or given in evidence under the general issue, and shall be deemed in any court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage, or for any injury sustained thereby, or by the persons on board the same, in consequence of any capture, seizure, or detention, or anything done under or in pursuance of the provisions of the said agreements.

V. And be it enacted, that any ship or vessel which shall be condemned as aforesaid, may be taken into Her Majesty's service upon payment of such sum as the Lord High Admiral, or the Lords Commissioners of the Admiralty, shall deem a proper price for the same, or, if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

VI. And be it enacted, that where any ship or vessel employed

or engaged in such illicit traffic in slaves, in violation of the said agreements, shall be seized by any ship or vessel belonging to Her Majesty or the East India Company, and afterwards condemned, there shall be paid to the captors the net proceeds to which Her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

VII. And be it enacted, that there shall be paid to the commander, officers, and crews of Her Majesty's ships, or the commander, officers, and crews of the ships of the East India Company, a bounty of 5*l.* for every man, woman, and child slave seized and found on board any ship or vessel taken and condemned in pursuance of the provisions of the said agreements and of this Act, such bounty to be issued and paid by order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid, in such manner and proportions as Her Majesty shall think fit to order by any Order in Council made, or to be made, or by any Proclamation for that purpose.

VIII. And be it enacted, that where any ship or vessel which shall have been seized and condemned under the provisions of the said agreements shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the commanders, officers, and crews of Her Majesty's ships, or those of the East India Company, in addition to the amount of the proceeds of such sale as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel, at the rate of 30*s.* for every ton of such tonnage.

IX. And be it enacted, that where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreements, there shall be paid to the commanders, officers, and crews of Her Majesty's ships, or those of the East India Company, an additional bounty upon the tonnage of such ship or vessel, at the rate of 4*l.* for every ton; and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal officer of the Customs at the port where the vessel may be at the time of condemnation, or in default thereof, by the best evidence which can be obtained: Provided always, that in every case in which any ship or vessel shall be seized with slaves on board, in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the commanders of Her Majesty's ships, or of those of the East India Company, making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

X. And be it enacted, that all bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the commanders, officers, and crews of Her Majesty's ships and of the ships of the East India Company, and such bounties shall be issued and paid by order from the Commissioners of Her Majesty's Treasury.

XI. And be it enacted, that the said bounty, as also all bounties payable under any of the Acts for the abolition or suppression of the Slave Trade, shall not hereafter be charged with Treasury fees or Exchequer fees of any description.

XII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

XIII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money on slaves, the number of men, women, and children so taken, delivered over, and condemned, shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, military or civil, who may be appointed to receive such slaves.

XIV. And be it enacted, that where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreements, and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstances, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

XV. Provided also, and be it enacted, that any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreements, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said court in that behalf, and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

XVI. And be it enacted, that all the provisions, rules, regula-

tions, forfeitures, and penalties respecting the delivery by Prize Agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the percentage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed, under the provisions of this Act, to the officers and crews of any of Her Majesty's ships and vessels of war.

XVII. And be it enacted, that where any ship or vessel belonging in whole or in part to the before-mentioned chiefs, or their subjects or dependents, shall have been detained and brought to adjudication by any officers of Her Majesty the Queen of Great Britain and Ireland, or of those of the East India Company, and the said ship shall be restored by sentence of the court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by warrant signed by any two or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs or damages which may be duly awarded: Provided always, that nothing herein contained shall exempt such officer from his liability to make good the payments so made, when lawfully called upon, either by the parties interested therein, or by order of the said Commissioners of Her Majesty's Treasury.

XVIII. And be it enacted, that when any seizure shall be made by any of the commanders, officers, and crews of Her Majesty's ships, or of those of the East India Company, and judgment shall be given against the seisor, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any two or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seisor may have incurred in respect of such seizure, or any proportional part thereof.

ACT of the British Parliament, "for facilitating the Marriage of British Subjects resident in Foreign Countries."

[12 & 13 Vict. cap. 78.]

[July 28, 1849.]

WHEREAS an Act was passed in the fourth year of the reign of his late Majesty King George IV [cap. 91],* intituled "An Act to relieve His Majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad:" and whereas the provisions of the said Act are applicable only to the cases of marriages solemnized by a minister of the Church of England in the chapel or house of any

* See Vol. X. Page 563.

British Ambassador or Minister residing within the country to the Court of which he is accredited, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing at such factory, and of marriages solemnized within the British lines by any chaplain or officer, or other person officiating under the orders of the commanding officer of a British army serving abroad: and whereas large numbers of Her Majesty's subjects are resident abroad at places where the provisions of the said Act are not applicable: and whereas it is expedient to afford greater facilities for the marriage of Her Majesty's subjects resident abroad: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all marriages (both or one of the parties thereto being subjects or a subject of this realm) which, from and after the passing of this Act, shall be solemnized in the manner in this Act provided in any foreign country or place where there shall be a British Consul duly authorized to act in such foreign country or place under this Act shall be deemed and held to be as valid in the law as if the same had been solemnized within Her Majesty's dominions with a due observance of all forms required by law.

II. And be it enacted, that in every case of marriage intended to be solemnized under the provisions of this Act, one of the parties shall give notice under his or her hand, in the form of the Schedule (A) to this Act annexed, or to the like effect, to the Consul within whose district both the parties shall have dwelt, not less than 1 calendar month then next preceding, and shall state therein the name and surname, and the profession or condition of each of the said parties intending marriage, the dwelling-place of each of them, and that each of them has dwelt within such district during such 1 calendar month at the least.

III. And be it enacted, that the Consul shall file all such notices, and keep them with the archives of his Consulate, and shall also forthwith enter a true and exact copy of every such notice fairly into a register to be by him kept for that purpose, and shall likewise suspend a like true and exact copy of every such notice in some conspicuous place in the office of his Consulate during 7 successive days, if the marriage is to be solemnized by licence, or 21 successive days, if the marriage is to be solemnized without licence, before any marriage shall be solemnized in pursuance of such notice; and the said register and suspended copies shall be open at all reasonable times, without fee, to the inspection of persons desirous of inspecting the same; and upon the receipt of every such notice, and before registering and suspending the same, the Consul shall be entitled to have a fee of 10 shillings.

IV. And be it enacted, that any person authorized in that behalf as hereinafter mentioned may, at any time before the solemnization of any such intended marriage, forbid the solemnization of such intended marriage, by writing the word "forbidden" opposite to the entry of the notice of such intended marriage in the register, and by subscribing thereto his or her name and place of abode, and his or her character in relation to either of the parties by reason of which he or she is so authorized; and in case the solemnization of any such intended marriage shall be so forbidden, the notice shall be void, and such intended marriage shall not be solemnized under such notice.

V. And be it enacted, that the like consent shall be required to any marriage by licence under the provisions of this Act as is now required by law to marriages solemnized in England by licence; and every person whose consent to a marriage by licence is required by law is hereby authorized to forbid a marriage under the provisions of this Act, whether such marriage is intended to be by licence or without licence.

VI. And be it enacted, that before any marriage by licence shall be solemnized under this Act both the Parties intending marriage shall appear before the Consul, and each of them shall make oath, or shall make his or her solemn affirmation or declaration instead of an oath, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance, to the said marriage, and that both of the said parties have for the space of 1 calendar month immediately preceding respectively had their usual places of abode within the district of such Consul, and where either of the parties, not being a widower or widow, shall be under the age of 21 years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, as the case may be; and when and as soon as such oath, affirmation, or declaration shall have been made, the Consul shall, on payment of a fee of 20 shillings, certify under his hand on the original notice, and also in the register that licence has been granted for the solemnization of the marriage in respect of which such notice was given; and such certificate shall be deemed and taken to be a licence for such marriage.

VII. And be it enacted, that any person, on payment of a fee of 20 shillings to the Consul, may enter a caveat with the Consul against the solemnization of the marriage of any person named therein, such caveat being signed by or on behalf of the person who enters the same, and stating his or her place of residence, and the ground of objection on which his or her caveat is founded; and if any caveat be entered as aforesaid no marriage of the person named therein shall be solemnized until the Consul shall have examined into the matter of

the caveat, and shall be satisfied that it ought not to obstruct the solemnization of the said marriage, or until the caveat shall be withdrawn by the party who entered the same; and in cases of doubt, it shall be lawful for the Consul to transmit to one of Her Majesty's Principal Secretaries of State a copy of such caveat, with such statement in relation thereto as such Consul may think fit, and such Secretary of State shall refer the same to the Registrar-General of Births, Deaths, and Marriages, in England, for his decision; and the said Registrar-General, having decided thereon, shall transmit his decision in writing to the said Secretary of State, who shall communicate the same to the said Consul; provided always, that in case the Consul refuse to solemnize, or to allow to be solemnized in his presence, the marriage of any person requiring such marriage to be solemnized, such person shall have a right of appeal to one of Her Majesty's Principal Secretaries of State, who shall thereupon either confirm the refusal or direct the solemnization of the marriage.

VIII. And be it enacted, that whenever any marriage shall not be had within 3 calendar months next after notice shall have been so given to and entered by the Consul as aforesaid, or where, in the case of any such caveat as aforesaid, a statement shall have been transmitted as aforesaid, or where, on such refusal as aforesaid of the Consul, a person shall appeal as aforesaid, and the marriage shall be directed to be solemnized, then, within 3 calendar months after the receipt from the Secretary of State of the decision with respect to such caveat or on such appeal, the notice shall be void; and the marriage in respect of which such notice was given shall not be solemnized until a new notice shall have been given, and copies thereof entered in the Register, and suspended in the office of the Consulate, in accordance with the provisions of this Act.

IX. And be it enacted, that after the expiration of 7 days, if the marriage is by licence, or of 21 days if the marriage is without licence, after notice shall have been so given to and entered by the Consul as aforesaid, provided no lawful impediment be shown to the satisfaction of the Consul why the marriage should not be solemnized, and that the marriage has not been forbidden in manner herein provided, it shall be lawful for the Consul to solemnize, or allow to be solemnized by any other person in his presence, the marriage in respect of which such notice shall have been given, between and by the parties described in such notice; and every such marriage shall be solemnized at the British Consulate, with open doors, between the hours of 8 and 12 in the forenoon, in the presence of 2 or more witnesses, and may be solemnized, in the presence of the Consul, according to the rites of the United Church of England and Ireland, or according to such other form and ceremony as the parties thereto may see fit to adopt, or may, where the parties shall so desire, be

solemnized by the Consul; and in the solemnization of every such marriage not solemnized according to the rites of the United Church of England and Ireland, in some part of the ceremony, and in the presence of the Consul and witnesses, each of the parties shall declare,

“ I do solemnly declare, that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D.”

And each of the parties shall say to the other,

“ I call upon these persons here present to witness, that I, A.B., do take thee, C.D., to be my lawful wedded wife [or husband].”

X. And be it enacted, that the Consul shall be entitled, for every marriage which shall be solemnized under this Act by him, or in his presence, to have from the parties married the sum of 20 shillings, if the marriage shall be by licence, and otherwise the sum of 10 shillings.

XI. And be it enacted, that the Consul shall forthwith register in duplicate every marriage solemnized as aforesaid in 2 Marriage Register Books, to be furnished to him for that purpose, from time to time by the Registrar General (through one of Her Majesty's Principal Secretaries of State), according to the form provided for the registration of marriages by an Act of the 7th year of the reign of King William IV, intituled “ An Act for registering Births, Deaths, and Marriages in England,” or as near to such form as the difference of the circumstances will admit of; and the entry in each such book of every such marriage shall be signed by the person by whom the marriage shall have been solemnized, if there shall be any such person other than the Consul, and by the Consul and both the parties married, and attested by 2 witnesses; and all such entries shall be made in regular order from the beginning to the end of each such book, and the number of the place of entry in each duplicate marriage book shall be the same.

XII. And be it enacted, that in the month of January in every year, every Consul shall make and transmit to one of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar-General, a true copy, certified by such Consul under his hand and Consular seal, according to the form in the Schedule (B) to this Act annexed, of all the entries of marriages during the preceding year in the register book kept by him; and if there shall have been no marriage registered during such preceding year, the Consul shall certify such fact under his hand and Consular seal; and the Consul shall keep the said duplicate marriage register books safely until the same shall be filled, and one of such duplicate marriage register books, when filled, shall be transmitted to one of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar-General.

XIII. And be it enacted, that after any marriage shall have been solemnized under this Act, it shall not be necessary, in support of such marriage, to give any proof of the actual dwelling for the time required by this Act of either of the parties, previous to the marriage, within the district wherein such marriage was solemnized, or of the consent of any person whose consent thereto is required by law, nor shall any evidence to prove the contrary be given in any suit touching the validity of such marriage.

XIV. And be it enacted, that it shall be lawful for the Consul by whom or in whose presence any marriage is solemnized under this Act, to ask of the parties to be married the several particulars required to be registered touching such marriage.

XV. And be it enacted, that if any marriage shall be had under the provisions of this Act by means of any wilfully false notice, oath, affirmation, or declaration made by either party to such marriage, as to any matter to which a notice, oath, affirmation, or declaration is by this Act required, it shall be lawful for Her Majesty's Attorney-General or Solicitor-General to sue for the forfeiture of all estate and interest in any property accruing to the offending party by such marriage; and the proceedings thereupon, and the consequences thereof, shall be the same as are provided by law in the like case with regard to marriages solemnized by licence in England according to the rites of the Church of England.

XVI. And be it enacted, that every person who shall knowingly and wilfully make any oath, affirmation, or declaration, or sign any false notice, required by this Act, for the purpose of procuring any marriage, and every person who shall forbid any such marriage by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall suffer the penalties of perjury; and such offender may be tried in any county or place in England, in the same manner, and may be dealt with in all respects as if the offence had been committed in such county or place in England.

XVII. And be it enacted, that in any and every action or suit for forfeiture, and upon any and every prosecution for perjury, as aforesaid, the declaration and certificate of the Consul, under his hand and Consular seal, shall be received and taken as good and valid evidence in the law, of all facts and matters stated in such declaration and certificate, without its being necessary for the said Consul to attend in person to prove the same.

XVIII. And be it enacted, that this Act shall be taken to be part of the said Act for registering births, deaths, and marriages in England, as fully and effectually as if incorporated therewith; and that every Consul shall be deemed a Registrar under the said Act; and that all the provisions and penalties of the said Act relating to any

Registrar, or register of marriages or certified copies thereof, shall be taken to extend to every such Consul, and the registers of marriages under this Act, and to the certified copies thereof, so far as the same are applicable thereto.

XIX. And be it enacted, that every British Consul-General and Consul already appointed or hereafter to be appointed to reside in any foreign country or place, who shall be directed or authorized, by writing under the hand of one of Her Majesty's Principal Secretaries of State, to solemnize and register marriages, and any person duly authorized to act in the absence of such Consul, or, in any foreign place where there is no British Consul resident, any Vice-Consul or Consular Agent, who shall be directed or authorized as aforesaid, by one of Her Majesty's Principal Secretaries of State to solemnize and register marriages in such place, shall, in the country or place in which he is so appointed to reside, or in which he is directed or authorized to solemnize and register marriages as aforesaid, be a Consul duly authorized for all the purposes of this Act; and in the construction of this Act the term "Consul" shall (save where such construction would be inconsistent with the context) be construed to mean a Consul so authorized; and the district of every such Consul, for the purposes of this Act, shall be all or such parts of the foreign country in which (or at a place within which) such Consul is appointed to reside, or is so directed or authorized as aforesaid, as such Secretary of State may, by such writing under his hand, direct, or where there shall be no direction in this behalf, shall be the district of the Consulate of such Consul.

XX. And whereas many marriages have been entered into abroad by British subjects under circumstances which may occasion doubts as to the validity of such marriages, and it is expedient that such marriages should be confirmed in the cases hereinafter mentioned: be it enacted, that all marriages, both or one of the parties being subjects or a subject of this realm, which, before the passing of this Act, have been solemnized in any foreign country or place, or on board a British vessel of war on any foreign station, by a minister in Holy Orders according to the rites and ceremonies of the Church of England, or of Ireland, or of the United Church of England and Ireland, or by an ordained minister of the Church of Scotland; and all marriages of the like parties which have been solemnized according to any religious rites or ceremonies, or contracted *per verba de presenti* in any foreign country or place in the presence of any British Ambassador, Minister, Chargé d'Affaires, Consul-General, Consul, or Vice-Consul exercising his functions within the foreign country or place in which such marriages have been had, or on board a British vessel of war on any foreign station in the presence of the officer commanding such vessel; and all marriages of the like parties which have been solemnized

according to any religious rites or ceremonies, or contracted *per verba de presenti* in any foreign country or place, and registered by or under the authority of any British Consul-General, Consul, or Vice-Consul exercising his functions within such foreign country or place, the signatures of the parties being written in the register, shall be deemed and held to be as valid in the law, and cognizable in the like manner as if the same had been solemnized within Her Majesty's dominions with a due observance of all forms required by law: provided always, that this enactment shall not extend to render valid any marriage which before the passing of this Act has been declared invalid by any court of competent jurisdiction in any proceeding touching such marriage, or any right dependent on the validity or invalidity thereof, or any marriage where either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person.

XXI. Provided always and be it enacted, that nothing in this Act contained shall confirm or impair, or in anywise affect, or be construed to confirm or impair, or in anywise affect, the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided : and this Act shall not extend to the marriage of any of the Royal family.

XXII. And be it enacted, that this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES.

Schedule (A.)—Notice of Marriage.

To the [British Consul General or Consul] at

I hereby give you notice, that a marriage is intended to be had within 3 calendar months from the date hereof between me and the other party herein named and described; (that is to say),

Name and Surname.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.
John Brown	Widower ... ..	... ..	Of full Age	—	—
Elizabeth Reeve ...	Spinster ... ..	... ..	Minor	—	—

Witness my hand, this day of

(Signed) JOHN BROWN.

Schedule (B.)

I [Consul-General or Consul] residing at
do hereby certify, that this is a true copy of the entries of marriages
registered in my office, from the entry of the marriage of John Brown
and Elizabeth Reeve, Number One, to the entry of the marriage of
Michael Jones and Maria Tomkins, Number Fourteen.

Witness my hand and seal, this day of January, 1850.

(*Signature and Consular Seal
of the Consul General or Consul.*)

*BRITISH ORDER IN COUNCIL, for regulating the Trade
and Commerce of the River Gambia, so far as it relates to
Foreign Trade and Foreign Vessels.—January 31, 1849.*

At the Court at Buckingham Palace, the 31st day of January, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, made in the session of
Parliament holden in the 8th and 9th years of the reign of her present
Majesty [cap. 93],* intituled "An Act to regulate the trade of the
British possessions abroad," it is, amongst other things, enacted, that
it shall be lawful for Her Majesty, by and with the advice of her Privy
Council, by any Order or Orders in Council, to be issued from time
to time, to give such directions and make such regulations touching
the trade and commerce to and from any British possessions in or
near the continent of Europe, or within the Mediterranean Sea, or in
Africa, or within the limits of the East India Company's charter
(excepting the possessions of the said Company), as to Her Majesty in
Council shall appear most expedient and salutary.

And whereas Her Majesty, with the advice of her Privy Council,
doth deem it expedient and salutary to make the several regulations
hereinafter contained touching the trade and commerce of Her
Majesty's settlements on the river Gambia and their dependencies.

I. Now, therefore, Her Majesty, with the advice of her Privy
Council, and in pursuance and exercise of the power so vested in her as
aforesaid, by the said recited Act of Parliament, doth order, and it is
hereby ordered, that the several sorts of goods enumerated or described
in the table following, denominated "A Table of Prohibitions and
Restrictions," are hereby prohibited to be imported or brought into such
settlements and their dependencies, or shall be so imported or brought

only under the restrictions mentioned in such table, according as the several sorts of such goods are set forth therein ; that is to say :

A Table of Prohibitions and Restrictions.

Gunpowder, arms, ammunition, or utensils of war ; prohibited to be imported, to be used therein except from the United Kingdom, or from some other British possessions ; but such articles may, nevertheless, be imported from any foreign country in any vessels which may legally trade between such foreign countries and the British possessions on the western coast of Africa for the purpose of being warehoused at the port of Bathurst for exportation only.

Articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom.

Base or counterfeit coin.

Books first composed or written, or printed and published in the United Kingdom wherein the copyright shall be subsisting, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing that such copyright subsists, such notice also stating when such copyright will expire ; prohibited to be imported.

II. And if any goods shall be imported or brought into such settlements and their dependencies, contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited ; and if the ship or vessel in which such goods shall be imported be of less burthen than 60 tons, such ship or vessel shall be forfeited.

III. And whereas it is expedient to extend certain of the provisions of the hereinbefore mentioned Act, of the 8th and 9th years of the reign of her present Majesty to the said settlements and their dependencies, now therefore Her Majesty with the advice of her Privy Council and in further pursuance and exercise of the powers so vested in her as aforesaid, by the said Act of Parliament, doth order, and it is hereby ordered, that no goods shall be imported into, nor shall any goods be exported from the said settlements and their dependencies, by sea, from or to any place other than the United Kingdom or some other British possession, except into or from the port of Bathurst, or such other port or ports within the said settlements and their dependencies, as may be hereafter declared by Her Majesty in council to be fit for such importation and exportation ; and if any goods shall be imported into the said settlements and their dependencies, contrary hereto, such goods shall be forfeited.

IV. And it is hereby further ordered that goods of any sort, or the produce of any place, not otherwise prohibited than by the law of

navigation, may be imported into the said port of Bathurst, from any place in a British ship, and from any place, not being a British possession in a foreign ship of any country and however navigated, to be warehoused for exportation only, under the provisions of this order, or of any law in force, for the time being, made for the warehousing of goods; provided always, and it is hereby ordered that it shall be declared upon the entry of such goods that they are entered for exportation only.

V. And it is hereby further ordered, that the master of every ship arriving in any of Her Majesty's settlements on the river Gambia and their dependencies, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom House at the port of Bathurst, and there make a report, in writing, to the collector or other proper officer, of the arrival and voyage of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast, and if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods, if any, had been unladen during the voyage as far as any such particulars can be known to him; and the master shall further answer all such questions concerning the ship and cargo and the crew and the voyage, as shall be demanded of him by such officer; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*, and if any goods be not reported such goods shall be forfeited.

VI. And it is hereby further ordered, that no goods shall be laden, or water-borne to be laden, on board any ship, or unladen from any ship in the said settlements and their dependencies, until due entry shall have been made of such goods and warrant granted for the lading or unlading of the same, and the person entering any such goods shall deliver to the Collector of the Customs or other proper officer, a bill of the entry thereof fairly written in words at length, containing the name of the exporter or importer, and of the ship, and of the master, and of the place to or from which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the British possessions or not, and shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill of entry shall

be written and arranged in such form and manner, and the number of such duplicates shall be such as the collector or other principal officer shall require.

VII. And it is hereby further ordered, that the master of every ship bound from such settlements and their dependencies shall, before any goods be laden therein, deliver to the collector or comptroller, or other proper officer of customs, an entry outwards, under his hand, of the destination of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship; and if any goods be laden on board any ship before such entry be made, the master of such ship shall forfeit the sum of 50*l.*; and before such ship depart, the master shall bring and deliver to the collector and comptroller, or other proper officer, a content in writing, under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any such particulars can be known to him; and the master of every such ship, whether in ballast or laden, shall, before departure, come before the collector or comptroller, or other proper officer, and answer all such questions concerning the ship and cargo, if any, and the crew, and the voyage, as shall be demanded of him by such officer; and thereupon the collector, or other proper officer, if such ship be laden, shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*

VIII. And it is hereby further ordered, that no entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, nor unless the goods shall have been properly described in such entry, by the denominations and with the characters and circumstances according to which such goods may be imported; and any such goods taken or delivered out of any ship, or out of any warehouse, by virtue of any entry or warrant not corresponding or agreeing in all respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

IX. And whereas it is expedient to constitute and appoint the port
[1848—49.]

of Bathurst to be a free warehousing port for all such goods as may be legally imported under this order, it is therefore hereby ordered that the port of Bathurst shall be a free warehousing port for all the purposes mentioned in this order.

X. And whereas it is necessary to make regulations for the appointing proper warehouses at the Port of Bathurst, and for the lodging and securing therein of such goods as may be imported under this Order, it is hereby further ordered, that it shall be lawful for the collector of customs at the said port, with the assent of the Governor by notice in writing under his hand to appoint, from time to time, such warehouses at that port as shall be approved of, for the free warehousing and securing of goods therein for the purposes of this Order, and also in such notice to declare what sorts of goods may be so warehoused, and also by like notice to revoke or alter any such appointment or declaration.

Provided always, that every such notice shall be transmitted to the Governor or Lieutenant-Governor of the said settlements and their dependencies, and shall be published in such manner as he shall direct.

XI. And it is hereby further ordered, that it shall be lawful for the importer of any such goods as aforesaid into the port of Bathurst, to warehouse the same in the warehouses so appointed, subject nevertheless to the rules, regulations, and conditions hereinafter contained.

XII. And it is hereby further ordered, that all goods so warehoused, shall be stowed in such parts or divisions of the warehouse, and in such manner as the collector shall direct, and that the warehouses shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations as the collector shall direct; and that all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried to be shipped, under such rules and regulations as the collector shall direct.

XIII. And it is hereby further ordered, that if any goods which have been entered to be warehoused under the provisions of this Order shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer of the customs, such goods shall be forfeited.

XIV. And it is hereby further ordered, that upon the entry and landing of any goods to be warehoused under the provisions of this Order, the proper officer of the customs shall take a particular account

of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers.

XV. And it is hereby further ordered, that it shall be lawful for the collector, under such regulations as he shall see fit, to permit moderate samples to be taken of any goods so warehoused.

XVI. And it is hereby further ordered, that it shall be lawful for the collector, under such regulations as he shall see fit, to permit the proprietor or other person having control over the goods so warehoused, to sort, separate, pack, and repack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; and also to permit any parts of such goods so separated to be destroyed.

XVII. And it is hereby further ordered, that all goods which have been so warehoused or re-warehoused under the provisions of this Order, shall be duly cleared for exportation, or otherwise accounted for within 2 years from the day of first entry for the warehousing thereof; and if any such goods be not so cleared or accounted for, it shall be lawful for the collector to cause the same to be sold, and the produce shall be applied, first, to the payment of warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor.

Provided always, that it shall be lawful for the collector to grant further time for any such goods to remain warehoused if he shall see fit so to do.

XVIII. And it is hereby further ordered, that upon the entry outwards of any goods to be exported from the warehouse under the provisions of this Order, the person entering the same shall give security by bond, in double the value of such goods, with 2 sufficient sureties, to be approved of by the collector, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for to the satisfaction of the collector.

XIX. And it is hereby further ordered, that it shall be lawful to reimport into the port of Bathurst any goods which shall have been legally exported therefrom to any place on the western coast of Africa, and to enter the same by bill of store, referring to the entry outwards and exportation thereof, provided the property in such goods continue in the person by whom or on whose account the same have been exported, and that such reimportation take place within 2 years from the date of the exportation.

XX. And it is hereby further ordered, that the person in whose

name any goods so reimported were entered for exportation, shall deliver to the collector or other proper officer of the Customs, an exact account signed by him of the particulars of such goods, referring to the entry and clearance outwards and to the return inwards of the same, with the marks and numbers of the packages both inwards and outwards, and thereupon the said officer finding that such goods had been legally exported, shall grant a bill of store for the same; and if the person in whose name such goods were entered for exportation was not the proprietor thereof but his agent, he shall declare on such bill of store the name of the person by whom he was employed as such agent; and if the person to whom such return goods are consigned shall not be such proprietor and exporter, he shall make and subscribe a declaration on such bill of store, of the name of the person for whose use such goods have been consigned to him, and the real proprietor ascertained to be such shall make and subscribe a declaration upon such bill of store to the identity of the goods so exported and so returned, and that he was at the time of exportation and of re-importation, the proprietor of such goods, and that the same had not during such time been sold or disposed of to any other person, and such declaration shall be made before the collector or other proper officer at the port of Bathurst, and thereupon the said officer shall admit such goods to entry by bill of store.

Provided always, that where the real proprietor of any such goods shall be absent from such settlements and their dependencies at the time of such re-importation, such goods, if legally entitled to be entered by bill of store, shall be permitted to be so entered upon production of a declaration subscribed by the original consignee, or by the authorized agent of such real proprietor, setting forth the identity of the goods so exported and so returned, and that [name the real proprietor] was at the time of exportation from such settlements and their dependencies, and will be at the time of re-importation thereinto the proprietor of such goods, and that the same have not during such time been sold or disposed of to any other person, such declaration to be made before the collector or other proper officer of the Customs, and upon such further proof of the identity of the goods as the collector of Customs shall require, and upon compliance with all the other regulations required by law on the entry of goods by bill of store.

XXI. And it is hereby further ordered, that all vessels, boats, carriages, implements, and cattle, made use of in the removal of any goods liable to forfeiture under this Order, or under any Act or Order relating to the Customs, or to trade, or navigation, shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring of such goods,

or to whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof or the penalty of 100*l.*, at the election of the officers of the Customs, and the averment in any information or libel to be exhibited for the recovery of such penalty that the officer proceeding has elected to sue for, the sum mentioned in the information or libel shall be deemed sufficient proof of such election without any other or further evidence of such fact.

XXII. And it is hereby further ordered, that all goods and all ships, vessels, and boats, and all carriages, and all cattle, liable to forfeiture under this order, or any Order or Act relating to the Customs, or to trade or to navigation, shall and may be seized and secured by any officer of the Customs or navy, or by any person employed for that purpose, by or with the concurrence of the Commissioners of Her Majesty's Customs, and every person who shall in any way hinder, oppose, molest, or obstruct any officer of the Customs or navy, or any person so employed as aforesaid in the exercise of his office, or any person acting in his aid or assistance, shall, for every such offence, forfeit the sum of 200*l.*

XXIII. And it is hereby further ordered, that if any officer of the Customs, or any persons duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any vessel, boat, or goods liable to forfeiture under this order, or any Order or Act relating to the Customs, or to trade or navigation, or shall take any bribe, recompence, gratuity, or reward, for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of 500*l.*, and be rendered incapable of serving Her Majesty in any office whatever, and every person who shall give, or offer, or promise to give or procure to be given, any bribe, recompence, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid, in the said settlements and their dependencies, to induce him in any way to neglect his duty, or to do, or conceal, or connive at anything whereby the provisions of this Order or any such Order or Act may be evaded, shall forfeit the sum of 200*l.*

XXIV. And it is hereby further ordered, that all vessels, boats, goods, and other things, which shall have been, or shall hereafter be, seized as forfeited in the said settlements and their dependencies, under this Order or any Order or Act relating to the customs, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by law in respect to vessels, boats, goods, and other things seized and condemned for breach of any such Order or Act, unless the person from whom such vessel, boat, goods, and other things shall have been seized, or the owner of them, or some person authorized by him shall, within one calendar month from

the day of seizing the same, give notice in writing to the person or persons seizing the same, or to the collector or other chief officer of the Customs, at the port within the said settlements and their dependencies where the same shall have been seized, that he claims the vessel, boat, goods, or other things, or intends to claim them.

XXV. And it is hereby further ordered, that under the authority of a writ of assistance granted by the superior or supreme courts of justice or court of Vice-Admiralty having jurisdiction in the said settlements and their dependencies, which court or courts are hereby authorized and required to grant such writ of assistance upon application made to them for that purpose by the principal officers of Her Majesty's Customs, it shall be lawful for any officer of the Customs, taking with him a peace officer, to enter any building or other place in the day time, and to search for and seize and secure any goods liable to forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and, in case of necessity, to break open any doors and any chests or other packages for that purpose, and such writ of assistance, when issued, shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for 12 months from the conclusion of such reign.

XXVI. And it is hereby further ordered, that all things which shall be seized as being liable to forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, shall be taken forthwith, and delivered into the custody of the Collector of the Customs at the port at Bathurst, and, after condemnation, he shall cause the same to be sold by public auction to the best bidder.

XXVII. And it is hereby further ordered, that all penalties and forfeitures which may have been heretofore, or may be hereafter incurred under this Order, or any Order or Act relating to the Customs, or to trade or navigation, shall and may be prosecuted, sued for, and recovered, in any Court of Record or of Vice-Admiralty having jurisdiction in such settlements and their dependencies.

XXVIII. And it is hereby further ordered, that if any goods or any ship or vessel shall be seized as forfeited, under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and detained, it shall be lawful for the judge or judges of any Court having jurisdiction, to try and determine such seizures, to order the delivery thereof on security by bond, with 2 sufficient sureties, to be first approved of by the Collector of Customs, to answer double the value of the same in case of condemnation, and such bond shall be taken to the use of Her Majesty, in the name of the Collector or Officer of the Customs in whose custody the goods or the ship or vessel may be lodged, and such bond shall be delivered into and kept in the custody of such collector or officer; and in case the goods or the ship or vessel shall be condemned, the value thereof shall be paid into the

hands of such collector or officer, who shall thereupon cancel such bond.

XXIX. And it is hereby further ordered, that no suit shall be commenced in the said settlements and their dependencies, for the recovery of any penalty or forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, except in the name of some superior officer of the Customs, or of some officer of the navy, or of Her Majesty's Advocate or Attorney-General, for the said settlements; and if a question shall arise whether any person is an officer of the Customs, or of the navy, *viva voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

XXX. And it is hereby ordered, that if any goods shall be seized for any cause of forfeiture under this Order, and any dispute shall arise whether the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize or stop the same.

XXXI. And it is hereby further ordered, that no claim to anything seized under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and returned into any of Her Majesty's Courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made, by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

XXXII. And it is hereby further ordered, that no person shall be admitted to enter a claim to anything seized, in pursuance of this Order, or any Act or Order relating to the Customs, or to trade or navigation, and prosecuted in the said settlements and their dependencies, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding 60*l.*, to answer and pay the costs occasioned by such claim, and in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned.

XXXIII. And it is hereby further ordered, that, if upon any trial a question shall arise whether any person is an officer of the Customs or navy, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation, unless sufficient proof shall be given to the contrary; and every such officer and every person acting in his aid or assistance, shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to

the whole or any part of such seizure or penalty upon the conviction of the party charged in such suit or information.

XXXIV. And it is hereby further ordered, that no writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs or navy, or other person as aforesaid, for anything done by him in pursuance of this Order, or any Order or Act relating to the Customs, or to trade or navigation, or otherwise, in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clear and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of action shall be produced, except such as shall be stated in such notice; and in case the plaintiff shall not prove on the trial that such notice was given, the jury shall find for the defendant.

XXXV. And it is hereby further ordered, that every such action shall be brought within 3 calendar months after the accrual of the causes of action, and the defendant may plead the general issue, and under it give the special matter in evidence; and whenever, in any such action, the plaintiff shall become nonsuited, or shall discontinue the action, or if a verdict shall be found or judgment shall be given for the defendant, he shall be entitled to full costs of suit, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

XXXVI. And it is hereby further ordered, that in case any information or suit shall be brought to trial, on account of any seizure made under this Order, or any Order or Act relating to the Customs, or to trade or to navigation, and a verdict shall be found for the claimant thereof, and the Judge or Court, before whom the cause shall have been tried, shall certify that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit, or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff shall not be entitled to recover, nor shall the defendant be liable to any fine, damages, or thing, beyond the things seized, or the value thereof.

XXXVII. And it is hereby further ordered, that it shall be lawful for such officer or other person as aforesaid, within 1 calendar month after such notice, to tender amends to the plaintiff or his agent, and to plead such tender in bar with or without other pleas, and if the jury shall find the amends tendered sufficient, they shall find for the

defendant, and he shall be entitled to full costs of suit, in the same manner as if he had pleaded the general issue only, and a verdict had been found for him thereon.

Provided always, that it shall be lawful for such defendant, by leave of the Court wherein such action shall be brought, at any time before issue joined to pay money into Court as in other actions.

XXXVIII. And it is hereby further ordered, that in any such action, if the judge or court before whom such action shall be tried, shall certify that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than 2*d.* damages, nor to any costs of suit.

XXXIX. And it is hereby further ordered, that all penalties and forfeitures recovered in the said settlements and their dependencies under this Order, or any Order or Act relating to the customs, or to trade, or navigation, or other than colonial ordinances, shall be paid into the hands of the collector of Port Bathurst, and shall be divided, paid, and applied as follows (that is to say): after deducting the charges of prosecution from the produce thereof, one-third part of the net produce shall be paid into the hands of the Collector of Her Majesty's Customs at the port of Bathurst, for the use of Her Majesty, one-third part to the Governor or Lieutenant-Governor of the said settlements and their dependencies, and the other third part to the person who shall seize, inform, and sue for the same, excepting in the case of seizures made at sea by the commanders or officers of Her Majesty's ships of war duly authorized to make seizures, one moiety of which last-mentioned seizures, and of the penalties and forfeitures recovered thereon, first deducting the charges of prosecution from the gross proceeds thereof, shall be paid as aforesaid to the Collector of Her Majesty's Customs, to and for the use of Her Majesty, and the other moiety to him or them who shall seize, inform, and sue for the same, any law, custom, or usage to the contrary notwithstanding, subject nevertheless to such distribution of the produce of the seizures so made at sea, as well with regard to the moiety hereinbefore granted to Her Majesty, as with regard to the other moiety given to the seizer or prosecutor, as Her Majesty shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that purpose.

XL. And it is hereby further ordered, that all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Order, or any Order or Act relating to the Customs, or to trade, or navigation, may be commenced or prosecuted at any time within 3 years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding.

XLI. And it is hereby further ordered, that no appeal shall be

prosecuted from any decree or sentence of any of Her Majesty's courts in the said settlements and their dependencies touching any penalty or forfeiture imposed by this Order or any Order or Act relating to the Customs, or to trade or navigation, unless the inhibition shall be applied for and decreed within 12 months from the time when such decree or sentence was pronounced.

XLII. And it is hereby ordered, that all persons authorized to make seizures under an Act passed in the 5th year of the reign of His Majesty King George IV, intituled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorized to make seizures under this Order. Provided nevertheless, that all penalties and forfeitures created by the said Act passed in the 5th year of His Majesty King George IV, whether pecuniary or specific, shall (except in cases specially provided for by the said Act) go and belong to such persons as are authorized by that Act to make seizures, in such shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like manner, and by the same ways and means, and subject to the same rules and directions, as any penalties and forfeitures incurred in Great Britain and in the British possessions in America respectively, now go and belong to and may be sued for, prosecuted, tried, recovered, and distributed respectively in Great Britain, or in the said settlements and their dependencies, under and by virtue of this Order.

XLIII. And it is hereby further ordered, that it shall not be lawful for any person to re-export from the said settlements and their dependencies, to any foreign place, in any foreign ship, any coals, the produce of the United Kingdom, except upon payment of the duty to which such coals would be liable upon exportation from the United Kingdom to such foreign place, and that no coals shall be so shipped at any port or place in the said settlements and their dependencies to be exported to any British place, until the exporter, or the master of the exporting vessel, shall have given bond, with one sufficient surety in double the value of the coals, that such coals shall not be landed in any foreign port.

XLIV. And it is hereby further ordered, that no import or other duty of Customs whatever shall be charged or payable in the said settlements or their dependencies upon provisions or stores of any description, imported or supplied on account of Her Majesty's Government and at the public expense, for the use of Her Majesty's land or sea forces.

XLV. And it is hereby further ordered, that all laws, bye-laws, usages, or customs, at this time or which hereafter shall be in force or practice, or endeavoured or pretended to be in force or practice,

in the said settlements and their dependencies, which are in any-wise repugnant to this Order, or to any Act of Parliament made or hereafter to be made in the United Kingdom, so far as such Act shall relate to the said settlements and their dependencies, are and shall be null and void to all intents and purposes whatsoever.

XLVI. And it is hereby further ordered, that if any person shall, in the said settlements and their dependencies, counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket, transire, or other document for the unlading, lading, entering, reporting, or clearing any ship or vessel, or for the landing, shipping, or removing of any goods, stores, baggage, or article whatever, or shall by any false statement procure any writing or document to be made for any such purposes, or shall falsely make any oath or affirmation required by this Order, or shall forge or counterfeit a certificate of the said oath or affirmation, or shall publish such certificate, knowing the same to be so forged or counterfeited, every person so offending shall, for every such offence, forfeit the sum of 200*l.*, and such penalty shall and may be prosecuted, sued for, and recovered, in like manner, and by such ways and means, as any penalty may be prosecuted, sued for, and recovered, under the provisions and directions of this Order.

XLVII. And it is hereby further ordered, that the Governor, or officer for the time being, administering the governments of the said settlements and their dependencies, shall promulgate this present Order within 1 calendar month next after the receipt thereof by him, and this Order shall take effect from and after the date of such promulgation thereof as aforesaid, and not before.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, for revoking so much of the Order of October 12, 1829, as relates to the Trade of the Gambia.—January 31, 1849.*

At the Court at Buckingham Palace, the 31st day of January, 1849,
PRESENT,
THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council made by his late most Excellent Majesty King George IV, on the 12th day of October,

* Vol. XVI. Page 1208.

1829, it was ordered, that so much of an Act, passed in the 6th year of his said Majesty's reign, and so much of certain other Acts, passed in the 7th and 8th, and in the 9th and the 10th years respectively, of His said Majesty's reign, as imposed prohibitions and restrictions on the importation of goods into the British possessions in America and the Island of Mauritius, and as related to the entry of vessels and goods, inwards and outwards, in those possessions and the island aforesaid, were thereby extended and made applicable to His Majesty's settlements at Sierra Leone, and all other His Majesty's settlements on the western coast of Africa.

And whereas it is deemed expedient that so much of the said Order, as relates to the trade of Her Majesty's settlements on the River Gambia and their dependencies, should be revoked, Her Majesty therefore, with the advice of her Privy Council, and in pursuance and exercise of the power vested in her by an Act of Parliament, made in the session of Parliament, holden in the 8th and 9th years of the reign of Her said Majesty, intituled "An Act to regulate the trade of the British possessions abroad," doth order, and it is hereby ordered, that from and after the promulgation of this Order by the governor or officer for the time being administering the government of the said settlements of the Gambia and their dependencies, the said Order of the 12th day of October, 1829, shall, so far as relates to the said settlements and their dependencies, be, and the same is hereby repealed and revoked, except so far as relates to any fine, penalty, or forfeiture which shall have been incurred under the said Order, hereby repealed, or to any offence which shall have been committed contrary to such Order.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

BRITISH ORDER IN COUNCIL, suspending the Prohibition in Bermuda, against certain Foreign Reprints of British Books entitled to Copyright.—February 13, 1849.

At the Court at Buckingham Palace, the 13th day of February, 1849,
PRESENT,
THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the session of Parliament holden in the 5th and 6th years of her present Majesty's reign [cap. 45],* intituled,

* Vol. XXXI. Page 970.

“An Act to amend the Law of Copyright,” it is, among other things, enacted that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed, or written, or printed and published, in any part of the United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions; and, whereas by an Act passed in the session of Parliament holden in the 8th and 9th years of the reign of Her present Majesty, intituled “an Act to regulate the Trade of the British Possessions abroad,” books, wherein the copyright is subsisting, first composed, or written, or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad; and, whereas by an Act passed in the session of Parliament, holden in the 10th and 11th years of the reign of Her present Majesty, intituled “An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom,” it is enacted that, in case the legislature or proper legislative authorities in any British possession, shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council, declaring that so long as the provisions of such Act or Ordinance continue in force within such colony, the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books, first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such colony; and, whereas an Act has been passed by the Governor, Council, and Assembly of the island of Bermuda, No. 699, intituled “An Act to regulate the Importation of Books, and to protect the British Author,” whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of works under copyright imported into the said island; and whereas Her Majesty hath expressed Her Royal approval of the same.

Now, therefore, Her Majesty, by and with the advice and consent

of Her Privy Council, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the said island shall remain and continue in force within the said island, all prohibitions in either of the said hereinbefore recited Acts of the Imperial Parliament, or in any other Acts thereof contained against the importing into the said island, or against the selling, letting out to hire, or possessing therein foreign reprints of books, first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards foreign reprints imported into the said island.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, revoking the Order of December 16, 1848, appointing Waterloo Bay and East London, at the Cape of Good Hope, to be Free Ports and Free Warehousing Ports.—March 1, 1849.*

At the Court at Buckingham Palace, the 1st day of March, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS an Order was made by Her Majesty in Council, bearing date the 16th day of December, 1848,* whereby Her Majesty was graciously pleased to order that the ports of Waterloo Bay and East London, in the colony of the Cape of Good Hope, should be free ports and free warehousing ports for the importation, exportation, and warehousing of goods:

And whereas it is expedient to revoke the said Order:

Now, therefore, Her Majesty, by and with the advice and consent of Her Privy Council, doth order, and it is hereby ordered that the said Order of the 16th day of December, 1848, shall be, and the same is hereby, revoked accordingly,

C. C. GREVILLE.

* Vol. XXXVI. Page 953.

BRITISH ORDER IN COUNCIL, appointing East London at the Cape of Good Hope, to be a Free Port, and a Free Warehousing Port.—March 1, 1849.

At the Court at Buckingham Palace, the 1st day of March, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, made in the session of Parliament, holden in the 8th and 9th years of the reign of Her present Majesty, [cap. 93],* intituled "An Act to regulate the trade of the British possessions abroad," it is, amongst other things, enacted that it shall be lawful for Her Majesty, by and with the advice of Her Privy Council, by any Order or Orders in Council, to be issued from time to time, to give such directions and to make such regulations touching the trade and commerce to and from any British possessions on or near the continent of Europe or within the Mediterranean Sea, or in Africa or within the limits of the East India Company's Charter (excepting the possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary:

And whereas Her Majesty, with the advice of Her Privy Council, in pursuance and exercise of the power so vested in her, did, by a certain Order in Council made on the 24th day of April, in the year of our Lord, 1847, order that no goods should be imported into, and that no goods, except the produce of the fisheries in British ships, should be exported from the colony of the Cape of Good Hope, the same not to include the district of Port Natal by sea, from or to any place other than the United Kingdom, or some other British possession, except into or from the several ports of Cape Town, Simon's Town, and Port Elizabeth, or such other ports within the said colony as might be thereafter declared by Her Majesty in Council to be fit for such importation and exportation:

And whereas it appears to Her Majesty in Council that the port of East London, in the said colony, is fit for such importation and exportation, it is hereby ordered that goods may be imported into and exported from the said last-mentioned port from or to other places than the United Kingdom, or some other British possession:

And whereas by the said Order made on the 24th of April, in the year of our Lord, 1847, it is declared to be expedient to constitute and appoint certain ports in the said colony, to be free warehousing ports for all the goods which might be legally imported into the same; and it was, therefore, thereby ordered, that the ports of Cape Town, Simon's Town, and Port Elizabeth, and such other ports within the

colony as might thereafter be declared by Her Majesty in Council to be fit for that purpose, should be free warehousing ports for the purposes of that Order; and whereas, it appears to Her Majesty in Council, that the said port of East London is fit for the said last-mentioned purposes.

It is hereby further ordered, that the said last-mentioned port shall be a free warehousing port for the purposes of the said Order, and that all regulations made by the said Order for the appointing proper warehouses at the ports mentioned in the said Order, and for the lodging and securing of goods therein, shall extend to the appointing proper warehouses in the said port of East London, and to the lodging and securing goods in such warehouses.

And it is hereby further ordered, that the governor or the officer for the time being, administering the government of the said colony, shall promulgate this present Order within 1 calendar month next after the receipt thereof by him; and this Order shall take effect, from and after the date of such promulgation thereof, as aforesaid, and not before.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, for regulating the Trade and Commerce of Sierra Leone, so far as it relates to Foreign Trade and Foreign Vessels.—February 13, 1849.

At the Court at Buckingham Palace, the 13th day of February, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by a certain Act of Parliament, made in the session of Parliament holden in the 8th and 9th years of the reign of Her present Majesty [cap. 93],* intituled "An Act to regulate the trade of the British possessions abroad," it is, amongst other things, enacted, that it shall be lawful for Her Majesty, by and with the advice of Her Privy Council, by an Order or Orders in Council to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any British possession on or near the continent of Europe, or within the Mediterranean Sea, or in Africa, or within the limits of the East India Company's charter

(excepting the possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary.

And whereas Her Majesty, with the advice of Her Privy Council, doth deem it expedient and salutary to make the several regulations hereinafter contained, touching the trade and commerce of Her Majesty's colony of Sierra Leone.

I. Now, therefore, Her Majesty, with the advice of Her Privy Council, and in pursuance and exercise of the power so vested in her as aforesaid, by the said recited Act of Parliament, doth order, and it is hereby ordered, that the several sorts of goods enumerated or described in the table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought into the said colony, or shall be so imported or brought only under the restrictions mentioned in such table, according as the several sorts of such goods are set forth therein; that is to say:

A Table of Prohibitions and Restrictions.

Gunpowder, arms, ammunition, or utensils of war; prohibited to be imported, to be used therein except from the United Kingdom, or from some other British possession; but such articles may, nevertheless, be imported in any vessels which may legally trade with the British possessions on the western coast of Africa for the purpose of being warehoused at the port of Free Town for exportation only.

Articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom.

Base or counterfeit coin.

Books first composed, or written, or printed and published in the United Kingdom wherein the copyright shall be subsisting, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing that such copyright subsists, such notice also stating when such copyright will expire; prohibited to be imported.

II. And if any goods shall be imported or brought into the said colony, contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited; and if the ship or vessel in which such goods shall be imported be of less burthen than 60 tons, such ship or vessel shall be forfeited.

III. And whereas it is expedient to extend certain of the provisions of the hereinbefore mentioned Act, of the 8th and 9th years of the reign of Her present Majesty, to the said colony, now, therefore, Her Majesty, with the advice of Her Privy Council, and in

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further pursuance and exercise of the powers so vested in her as aforesaid, by the said Act of Parliament, doth order, and it is hereby ordered, that no goods shall be imported into, nor shall any goods be exported from the said colony, by sea from or to any place other than the United Kingdom or some other British possession, except into or from the port of Free Town, or such other port or ports within the said colony, as may be hereafter declared by Her Majesty in Council to be fit for such importation and exportation; and if any goods shall be imported into the said colony, contrary hereto, such goods shall be forfeited.

IV. And it is hereby further ordered that goods of any sort, or the produce of any place, not otherwise prohibited than by the Law of Navigation, may be imported into the said port of Free Town, in the said colony, from any place in a British ship, and from any place, not being a British possession in a foreign ship of any country and however navigated, to be warehoused for exportation only, under the provisions of this Order, or of any law in force, for the time being, made for the warehousing of goods; provided always, and it is hereby ordered, that it shall be declared upon the entry of such goods that they are entered for exportation only.

V. And it is hereby further ordered, that the master of every ship arriving at any port in the said colony or its dependencies, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom-House at the port of Free Town, and there make a report, in writing, to the Collector or other proper officer, of the arrival and voyage of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast, and if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods, if any, had been unladen during the voyage as far as any such particulars can be known to him; and the master shall further answer all such questions concerning the ship and cargo, and the crew and the voyage, as shall be demanded of him by such officer; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*, and if any goods be not reported, such goods shall be forfeited.

VI. And it is hereby further ordered, that no goods shall be laden, or water-borne to be laden, on board any ship, or unladen from any ship in the said colony, until due entry shall have been made of such goods, and warrant granted for the lading or unlading of the same, and the person entering any such goods shall deliver to the collector

of the Customs or other proper officer, a bill of the entry thereof, fairly written in words at length, containing the name of the exporter or importer, and of the ship and of the master and of the place to or from which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the British possessions or not, and shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill of entry shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the Collector or other principal officer shall require.

VII. And it is hereby further ordered, that the master of every ship bound from the said colony shall, before any goods be laden therein, deliver to the Collector or Comptroller, or other proper officer of Customs, an entry outwards, under his hand, of the destination of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship; and if any goods be laden on board any ship before such entry be made, the master of such ship shall forfeit the sum of £60; and before such ship depart, the master shall bring and deliver to the Collector and Comptroller, or other proper officer, a content in writing, under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any such particulars can be known to him; and the master of every ship, bound from any such possession, whether in ballast or laden, shall, before departure, come in before the Collector or Comptroller, or other proper officer, and answer all such questions concerning the ship and the cargo, if any, and the crew, and the voyage, as shall be demanded of him by such officer: and thereupon the Collector, or other proper officer, if such ship be laden, shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of 100%.

VIII. And it is hereby further ordered, that no entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars

of the goods and packages purporting to be the same in the report of the ship, nor unless the goods shall have been properly described in such entry, by the denominations and with the characters and circumstances according to which such goods may be imported; and any such goods taken or delivered out of any ship, or out of any warehouse, by virtue of any entry or warrant not corresponding or agreeing in all respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

IX. And whereas it is expedient to constitute and appoint the port of Free Town to be a free warehousing port for all such goods as may be legally imported under this Order, it is therefore hereby ordered, that the port of Free Town shall be a free warehousing port for all the purposes mentioned in this Order.

X. And whereas it is necessary to make regulations for the appointing proper warehouses at the port of Free Town, and for the lodging and securing therein of such goods as may be imported under this Order, it is hereby further ordered, that it shall be lawful for the Collector of Customs at the said port, with the assent of the Governor, by notice in writing under his hand, to appoint, from time to time, such warehouses at that port as shall be approved of by him, for the free warehousing and securing of goods therein for the purposes of this Order, and also in such notice to declare what sort of goods may be so warehoused, and also, by like notice, to revoke or alter any such appointment or declaration.

Provided always, that every such notice shall be transmitted to the Governor or Lieutenant-Governor of the said colony, and shall be published in such manner as he shall direct.

XI. And it is hereby further ordered, that it shall be lawful for the importer of any such goods as aforesaid into the port of Free Town, to warehouse the same in the warehouses so appointed, subject nevertheless to the rules, regulations, and conditions hereinafter contained.

XII. And it is hereby further ordered, that all goods so warehoused shall be stowed in such parts or divisions of the warehouse, and in such manner as the Collector shall direct, and that the warehouses shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations, as the Collector shall direct; and that all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried to be shipped, under such rules and regulations as the Collector shall direct.

XIII. And it is hereby further ordered, that if any goods which have been entered to be warehoused, under the provisions of this Order,

shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or, having been cleared for entry and exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer of the Customs, such goods shall be forfeited.

XIV. And it is hereby further ordered, that upon the entry and landing of any goods, to be warehoused under the provisions of this Order, the proper officer of the Customs shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouses, except upon due entry, and under the care of the proper officers.

XV. And it is hereby further ordered, that it shall be lawful for the Collector, under such regulations as he shall see fit, to permit moderate samples to be taken of any goods so warehoused.

XVI. And it is hereby further ordered, that it shall be lawful for the collector, under such regulations as he shall see fit, to permit the proprietor, or other person having control over the goods so warehoused, to sort, separate, pack, and repack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed.

XVII. And it is hereby further ordered, that all goods which have been so warehoused or re-warehoused, under the provisions of this Order, shall be duly cleared for exportation, or otherwise accounted for, within 2 years from the day of first entry for the warehousing thereof; and if any such goods be not so cleared, it shall be lawful for the Collector to cause the same to be sold, and the produce shall be applied, first, to the payment of warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor.

Provided always, that it shall be lawful for the Collector to grant further time for any such goods to remain warehoused if he shall see fit so to do.

XVIII. And it is hereby further ordered, that upon the entry outwards of any goods to be exported from the warehouse under the provisions of this Order, the person entering the same shall give security by bond, in double the value of such goods, with 2 sufficient sureties, to be approved of by the Collector, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for, to the satisfaction of the Collector.

XIX. And it is hereby further ordered, that it shall be lawful to re-import into the port of Free Town any goods which shall have been legally exported therefrom to any place on the western coast of Africa, and to enter the same by bill of store, referring to the entry outwards and exportation thereof, provided the property in such goods continue in the person by whom, or on whose account the same have been exported, and that such re-importation take place within 6 years from the date of the exportation.

XX. And it is hereby further ordered, that the person, in whose name any goods so re-imported were entered for exportation, shall deliver to the Collector, or other proper officer of the Customs, an exact account, signed by him, of the particulars of such goods, referring to the entry and clearance outwards, and to the return inwards, of the same, with the marks and numbers of the packages both inwards and outwards; and, thereupon, the said officer, finding that such goods had been legally exported, shall grant a bill of store for the same; and if the person in whose name such goods were entered for exportation was not the proprietor thereof, but his agent, he shall declare on such bill of store the name of the person by whom he was employed as such agent; and if the person to whom such return goods are consigned shall not be such proprietor and exporter, he shall make and subscribe a declaration on such bill of store, of the name of the person for whose use such goods have been consigned to him, and the real proprietor ascertained to be such, shall make and subscribe a declaration upon such bill of store, to the identity of the goods so exported and so returned, and that he was at the time of exportation and of re-importation the proprietor of such goods, and that the same had not during such time been sold or disposed of to any other person; and such declaration shall be made before the collector or other proper officer at the port of Free Town, and, thereupon, the said officer shall admit such goods to entry by bill of store, and grant his warrant accordingly.

Provided always, that where the real proprietor of any such goods shall be absent from the said colony at the time of such re-importation such goods, if legally entitled to be entered by bill of store, shall be permitted to be so entered upon production of a declaration subscribed by such real proprietor, setting forth the identity of the goods so exported and so returned, and that he was at the time of exportation from the said colony, and will be at the time of re-importation thereinto, the proprietor of such goods, and that the same have not during such time been sold or disposed of to any other person, such declaration to be made before a Collector of Customs, or before a British Consul, Vice-Consul, or other British authority residing in or near the place of residence of such real proprietor, and upon such further

proof of the identity of the goods as the Collector of Customs shall require, and upon compliance with all the other regulations required by law on the entry of goods by bill of store.

XXI. And it is hereby further ordered, that all vessels, boats, carriages, and cattle, made use of in the removal of any goods liable to forfeiture under this Order, or under any Act or Order relating to the Customs, or to trade or navigation, shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring of such goods, or to whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of 100*l.*, at the election of the officers of the Customs, and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer proceeding has elected to sue for, the sum mentioned in the information or libel shall be deemed sufficient proof of such election without any other or further evidence of such fact.

XXII. And it is hereby further ordered, that all goods and all ships, vessels, and boats, and all carriages, and all cattle, liable to forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or to navigation, shall and may be seized and secured by any officer of the Customs or navy, or by any person employed for that purpose, by or with the concurrence of the Commissioners of Her Majesty's Customs; and every person who shall in any way hinder oppose, molest, or obstruct any officer of the Customs or navy, or any person so employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, shall, for every such offence, forfeit the sum of 200*l.*

XXIII. And it is hereby further ordered, that if any officer of the Customs, or any person duly employed for the prevention of smuggling, shall make any collusive seizure or deliver up, or make any agreement to deliver up or not to seize any vessel, boat, or goods liable to forfeiture under this order, or any Order or Act relating to the Customs, or to trade or navigation, or shall take any bribe, recompense, gratuity or reward, for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of 500*l.*, and be rendered incapable of serving Her Majesty in any office whatever, and every person who shall give, or offer, or promise to give, or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid, in the said colony, to induce him in any way to neglect his duty, or to do, or conceal, or connive at anything whereby the provisions of this Order or any Order or Act relating to the Customs, or to trade or navigation may be evaded, shall forfeit the sum of 200*l.*

XXIV. And it is hereby further ordered, that all vessels, boats,

goods, and other things, which shall have been, or shall hereafter be, seized as forfeited in the said colony under this Order or any Order or Act relating to the Customs, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by law in respect to vessels, boats, goods, and other things seized and condemned for breach of any such Order or Act, unless the person from whom such vessel, boats, goods, and other things shall have been seized, or the owner of them, or some person authorized by him, shall, within 1 calendar month from the day of seizing the same give notice in writing to the person or persons seizing the same, or to the collector or other chief officer of the Customs, at the port within the said colony where the same shall have been seized, that he claims the vessel, boats, goods, or other things, or intends to claim them.

XXV. And it is hereby further ordered that under the authority of a writ of assistance granted by the Superior or Supreme Court of Justice or Court of Vice-Admiralty having jurisdiction in the said colony, which court or courts are hereby authorized and required to grant such writ of assistance, upon application made to them for that purpose by the principal officers of Her Majesty's Customs, it shall be lawful for any officer of the Customs, taking with him a peace officer, to enter any building or other place in the day-time, and to search for, and seize and secure any goods liable to forfeiture under this Order, or any Order or Act relating to the Customs or to trade or navigation, and in case of necessity to break open any doors and any chests or other packages for that purpose, and such writ of assistance when issued shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for 12 months from the conclusion of such reign.

XXVI. And it is hereby further ordered that all things which shall be seized as being liable to forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, shall be taken forthwith, and delivered into the custody of the Collector of the Customs at the port of Free Town, and after condemnation, he shall cause the same to be sold by public auction to the highest bidder.

XXVII. And it is hereby further ordered, that all penalties and forfeitures which may have been heretofore, or may be hereafter incurred under this Order, or any Order or Act relating to the Customs, or to trade or navigation, shall and may be prosecuted, sued for and recovered, in any Court of Record or of Vice-Admiralty having jurisdiction in such colony.

XXVIII. And it is hereby further ordered, that if any goods or any ship or vessel shall be seized as forfeited, under this Order, or any Order or Act relating to the Customs, or to trade or navigation,

and detained, it shall be lawful for the Judge or Judges of any Court having jurisdiction, to try and determine such seizures, to order the delivery thereof on security by bond, with 2 sufficient sureties to be first approved by the Collector of Customs, to answer double the value of the same in case of condemnation, and such bond shall be taken to the use of Her Majesty, in the name of the collector or officer of the Customs in whose custody the goods, or the ship or vessel may be lodged, and such bond shall be delivered into and kept in the custody of such collector or officer, and in case the goods or the ship or vessel shall be condemned, the value thereof shall be paid into the hands of such collector or officer, who shall thereupon cancel such bond.

XXIX. And it is hereby further ordered that no suit shall be commenced for the recovery of any penalty or forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, except in the name of some superior officer of the Customs, or of some officer of the navy, or of Her Majesty's Advocate or Attorney General; and if a question shall arise whether any person is an officer of the Customs or of the Navy, *viva voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

XXX. And it is hereby ordered, that if any goods shall be seized for any cause of forfeiture under this Order, and any dispute shall arise whether the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize or stop the same.

XXXI. And it is hereby further ordered, that no claim to anything seized under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and returned into any of Her Majesty's Courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made, by the owner, or by his attorney or agent, by whom such claim shall be entered to the best of his knowledge and belief, and every person making a false oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

XXXII. And it is hereby further ordered, that no person shall be admitted to enter a claim to anything seized, in pursuance of this Order, or any Order or Act relating to the Customs, or to trade or navigation, and prosecuted in the said colony, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding 60*l.* to answer and pay the costs occasioned by such claim, and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

(L.)—Account of Dead Letters returned to London from Washington, being Letters received in the Dead Letter Office, during the month of 18 .

Number of the Articles in which the Correspondence was originally included.	Origin of the Correspondence of every description.	Number of Letters and Newspapers.	Amount due to the Office of The United States.		Observations.
			Dollars.	Cents.	
	<p>§ I. UNPAID CORRESPONDENCE.</p> <p>Letters from the United Kingdom for The United States .. Letters from Foreign Countries, British Colonies, Possessions, &c., for The United States Newspapers from ditto for The United States Closed Mails, Letters received by ounces, at .. per ounce</p>				
5					
	<p>§ II. PAID CORRESPONDENCE.</p> <p>Letters for The United States, and for Foreign Countries, and United States Possessions, through The United States .. Newspapers for Foreign Countries, through The United States</p>				
6 and 7					
8					
	<p>§ III. CORRESPONDENCE free from Charge.</p> <p>Letters for The United States, and for Foreign Countries, through The United States.. .. Newspapers, Periodical Works, Pamphlets, &c.</p>				
10 and 11					
12					

Post Office Department,
Washington, the

of 18.

Third Assistant Postmaster-General.

LOI de France, portant fixation du Budget des Dépenses de l'Exercice 1848.—Neuilly, le 8 Août, 1847.

Au Palais de Neuilly, le 8 Août, 1847.

LOUIS-PHILIPPE, Roi des Français, à tous présents et à venir,
Salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

ART. I. Des crédits sont ouverts jusqu'à concurrence de 1,446,210,170 francs, pour les dépenses de l'Exercice 1848, conformément à l'Etat A ci-annexé, savoir :

<i>Service Ordinaire.</i>	<i>Francs.</i>
Dette Publique	384,346,191
Dotations	14,922,150
Services des Ministères.....	731,335,104
Frais de Régie, de Perception, et d'Exploitation des Impôts et Revenus Publics	156,892,495
Remboursements et restitutions, non-valeurs, primes et escomptes	74,185,730

Total du service ordinaire....*Francs* 1,361,681,670

Service Extraordinaire.

Travaux régis par la Loi du 25 Juin, 1841.....	20,298,500
Travaux régis par la Loi du 11 Juin, 1842.....	64,230,000

Total général....*Francs* 1,446,210,170

Des crédits montant à la somme de 21,283,592 francs, sont également ouverts, pour l'Exercice 1848, conformément à l'Etat B ci-annexé, aux services spéciaux portés pour ordre au budget.

II. Il sera pourvu au paiement des dépenses mentionnées dans l'Article I de la présente Loi, et dans les tableaux y annexés, par les voies et moyens de l'Exercice 1848.

III. L'effectif à entretenir en Algérie, au delà duquel il y aura lieu à l'application du 2ème paragraphe de l'Article IV de la Loi de Finances du 11 Juin, 1842, est fixé, pour l'année 1848, à 60,000 hommes et 15,490 chevaux.

IV. Il sera rendu un compte spécial et distinct de l'emploi des crédits ouverts à chacun des paragraphes des Chapitres 21, 25, et 33 du Budget du Ministère de la Guerre, pour travaux extraordinaires civils et militaires à exécuter, en 1848, sur divers points de l'Algérie : ces crédits ne pourront recevoir aucune autre affectation.

[1848—49.]

F

V. Il sera joint, tous les 5 ans, aux documents fournis à l'appui du budget, un état des traitements des fonctionnaires, agents administratifs, officiers de tous grades et employés des services civils et militaires, compris au budget général de l'Etat, conforme à celui publié en 1831. L'état indiqué au présent Article et celui de 1831 seront imprimés et joints au budget de 1849.

VI. Il est ouvert au Ministre de la Guerre un crédit de 1,050,000 francs, pour l'Inscription, au Trésor Public, des Pensions Militaires à liquider dans le courant de l'année 1848.

VII. La faculté d'ouvrir, par Ordonnance du Roi, des crédits supplémentaires, accordée par l'Article III de la Loi du 24 Avril, 1833, pour subvenir à l'insuffisance, dûment justifiée, d'un service porté au Budget, n'est applicable qu'aux dépenses concernant un service voté, et dont la nomenclature suit :

Ministère de la Justice et des Cultes.

Frais de justice criminelle ; indemnité pour frais d'établissement des Evêques, des Archevêques, et des Cardinaux ; frais de Bulles et d'Information ; traitements et indemnités des Membres des Chapitres et du Clergé Paroissial ; traitements des Ministres des Cultes non Catholiques.

Ministère des Affaires Etrangères.

Frais d'établissement des Agents Politiques et Consulaires ; frais de Voyages et de Courriers ; Missions Extraordinaires.

Ministère de l'Instruction Publique.

Traitements éventuels des Professeurs des Facultés ; frais de concours dans les Facultés, et pour l'agrégation des Collèges ; prix de l'Institut et de l'Académie Royale de Médecine ; frais de tournées des Inspecteurs Généraux de l'Université, ainsi que des Recteurs et Inspecteurs des Académies.

Ministère de l'Intérieur.

Dépenses Ordinaires du service intérieur des Maisons Centrales de Force et de Correction ; remboursements sur le produit du travail des condamnés détenus dans les Maisons Centrales de Force et de Correction ; transport des condamnés aux Bagnes et aux Maisons Centrales de Force et de Correction ; dépenses Départementales.

Ministère de l'Agriculture et du Commerce.

Encouragements aux Pêches Maritimes ; frais relatifs à la mise en vente des eaux thermales ; frais relatifs à la publication des brevets d'invention.

Ministère des Travaux Publics.

Service des prêts autorisés pour les Chemins de Fer ; frais de Police et de surveillance sur les Chemins de Fer ; frais d'entretien et d'exploitation des Chemins de Fer exécutés sur les fonds de l'Etat.

Ministère de la Guerre.

Frais de procédure des Conseils de Guerre et de Révision ; achats de grains et de rations toutes manutentionnées ; achats de liquides ; achats de combustibles ; achats de fourrages pour les chevaux de troupe et de Gendarmerie (troupes Françaises et services militaires indigènes) ; dépenses de transports d'armes, de munitions, d'effets d'hôpitaux, et de couchage ; solde de non-activité et solde de réforme, créées par la Loi du 19 Mai, 1834 ; dépenses d'exploitation et de fabrication du service des poudres et salpêtres, et ventes de poudres par les entreposeurs en Algérie.

Ministère de la Marine et des Colonies.

Achats de vivres ; Justice maritime.

Ministère des Finances.

Dette Publique (dette perpétuelle et amortissement) ; intérêts, primes et amortissement des emprunts pour ponts et canaux ; intérêts de la dette flottante ; intérêts de la dette viagère ; intérêts de cautionnements ; pensions (Chapitres 12, 13, 14, 15, 16, et 17) ; frais judiciaires de poursuites et d'instances, et condamnations prononcées contre le trésor public ; frais de trésorerie ; frais de perception, dans les départements, des contributions directes et des taxes perçues en vertu des rôles ; remises pour la perception, dans les départements, des droits d'enregistrement ; contributions des bâtiments et des domaines de l'Etat, et des biens séquestrés ; frais d'estimation, d'affiche et de vente de mobilier et de domaines de l'Etat ; dépenses relatives aux épaves, déshérences et biens vacants ; achat de papier pour passe-ports et permis de chasse ; achat de papier à timbrer, frais d'emballage et de transport ; travaux d'abatage et de façon de coupes de bois à exploiter par économie ; frais d'adjudication des produits des forêts et des droits de chasse et de pêche ; avances recouvrables et frais judiciaires ; portion contributive de l'Etat dans la réparation des chemins vicinaux ; remises pour la perception des contributions indirectes dans les départements ; achat de papier filigrané pour les cartes à jouer ; contribution foncière des bacs, canaux et francs-bords ; service des poudres à feu ; dépenses des manufactures de tabacs (gages, salaires et fournitures diverses) ; achat de tabacs et frais de transport ; primes pour saisies de tabacs et arrestations de colporteurs ; remises des Directeurs des Bureaux de Poste aux lettres ; achat de

lettres venant de l'étranger ; remises sur le produit des places dans les paquebots et les malles-postes ; droits de tonnage et de pilotage des paquebots employés au transport des dépêches ; réparations et frais de combustibles des mêmes paquebots ; frais de justice, de poursuites, d'arrestation des marins des paquebots des postes, absents sans congés ; pertes et avaries ; transport des dépêches par entreprise ; service des dépêches par les chemins de fer ; salaire des facteurs ruraux des postes ; frais d'hôpitaux et de quarantaine (paquebots de la Méditerranée) ; pertes résultant des tolérances en fort sur le titre et le poids des monnaies fabriquées ; remboursements, restitutions, non-valeurs, primes et escomptes.

VIII. La faculté accordée par des lois spéciales de reporter, par une Ordonnance Royale, d'un exercice à l'autre, les crédits non consommés, cessera d'exister à partir du 31 Décembre, 1848.

Cette disposition ne recevra pas son application dans le cas où il s'agirait, soit d'un crédit limité à un seul exercice, soit de la dernière allocation d'un crédit réparti sur plusieurs années.

La présente Loi, discutée, délibérée, et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme Loi de l'Etat.

DONNONS EN MANDEMENT à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer, et maintenir, et, pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait au Palais de Neuilly, le 8e jour du mois d'Août, l'an 1847.

Par le Roi :

LOUIS-PHILIPPE.

*Le Ministre Secrétaire d'Etat au Département
des Finances,*

S. DUMON.

(Etat A.)—BUDGET GENERAL des Dépenses de l'Exercice, 1848.

MINISTÈRES ET SERVICES.						MONTANT DES CREDITS ACCORDÉS.
Ire Partie.—Dette Publique.						
1°. Dette Consolidée et Amortissement.						
					Francs.	Francs.
Rentes 5 p. cent..	..	..	..	..	..	146,752,528
Rentes 4½ p. cent	..	..	..	..	..	1,026,600
Rentes 4 p. cent..	..	..	..	..	..	26,507,375
Rentes 3 p. cent..	..	..	..	..	..	68,114,883
Fonds d'Amortissement :						
Dotation Annuelle	..	..	..		48,886,565	48,886,565

MINISTÈRES ET SERVICES.				MONTANT DES CRÉDITS ACCORDÉS.
Rentes appartenant à la caisse d'Amortissement comprises dans les crédits ci-dessus (par ap- proximation)				
				68,617,166
Montant du Fonds d'Amortissement ..				117,503,781
TOTAL pour la Dette Consolidée et l'Amortissement				Francs 291,287,951
2°. <i>Emprunts Spéciaux pour Canaux et Travaux divers.</i>				
Intérêts et Primes des Emprunts à rembourser par le Trésor ..				5,848,926
Amortissement des Emprunts à rembourser par le Trésor ..				3,111,374
Charges annuelles des Emprunts contractés à des conditions diverses				150,000
TOTAL pour les Emprunts spéciaux				Francs 9,110,300
3°. <i>Intérêts de Capitaux Remboursables à divers Titres.</i>				
Intérêts de Capitaux de Cautionnement				7,000,000
Intérêts de la Dette Flottante du Trésor				22,000,000
TOTAL pour les Intérêts de Capitaux Remboursables à divers titres				Francs 29,000,000
4°. <i>Dette Viagère.</i>				
Rentes Viagères				2,000,000
Pensions de la Pairie, de Veuves de Pairs et d'Anciens Sénateurs				450,000
Pensions Civiles. (Décret du 13 Septembre, 1806)				1,255,000
Pensions à Titre de Récompense Nationale				365,000
Pensions Militaires				39,300,000
Pensions Ecclésiastiques				535,000
Pensions de Donataires dépossédés				1,235,000
Pensions accordées sur la Caisse de Vétérance de l'Ancienne Liste Civile. (Loi du 29 Juin, 1835)				600,000
Pensions et Indemnités accordées à des Employés Réformés de divers Ministères				567,940
Subvention aux Fonds de Retraite des Finances				8,240,000
Secours aux Pensionnaires de l'Ancienne Liste Civile ..				400,000
TOTAL pour la Dette Viagère				Francs 54,947,940
<i>Récapitulation de la Ire Partie.—Dette Publique.</i>				
1° Dette Consolidée et Amortissement				291,287,951
2° Emprunts Spéciaux pour Canaux et Travaux divers ..				9,110,300
3° Intérêts de Capitaux Remboursables à divers titres ..				29,000,000
4° Dette Viagère				54,947,940
TOTAL de la Ire Partie				Francs 384,346,191

MINISTÈRES ET SERVICES.						MONTANT DES CREDITS ACCORDÉS.
IIe Partie.—Dotations.						
					Francs.	Francs.
Liste Civile .. .. .	..	..	..	..	..	13,300,000
Chambre des Pairs .. .. .	..	..	..	..	..	790,000
Chambre des Députés .. .. .	..	..	..	..	..	832,150
TOTAL de la IIe Partie					Francs	14,922,150

IIIe Partie.—Services Généraux des Ministères.

MINISTÈRE DE LA JUSTICE ET DES CULTES.

Ire Partie.—Dépenses de la Justice.

Administration Centrale.						
Personnel .. .. .	..	..	..	..	467,500	
Matériel .. .. .	..	..	..	..	112,000	
						579,500
Conseil d'Etat.						
Personnel .. .. .	..	..	..	..	769,800	
Matériel .. .. .	..	..	..	..	34,000	
						803,800
Cours et Tribunaux.						
Cour de Cassation .. .. .	..	..	..	..	975,800	
Cours Royales .. .. .	..	..	..	..	5,677,400	
Cours d'Assises .. .. .	..	..	..	..	154,400	
Tribunaux de Première Instance .. .. .	..	..	..	..	7,790,795	
Tribunaux de Commerce .. .. .	..	..	..	..	179,900	
Tribunaux de Police .. .. .	..	..	..	..	62,900	
Justices de Paix .. .. .	..	..	..	..	6,059,800	
						20,900,795
Frais de Justice.						
Frais de Justice Criminelle et de Statistiques .. .. .	..	..	..	..	..	4,400,000
Dépenses Diverses.—Secours temporaires à d'An- ciens Magistrats et Employés de l'Adminis- tration Centrale, à leurs veuves et orphelins n'ayant pas droit à pension; dépenses ex- traordinaires et imprévues; indemnité au "Journal des Savants" .. .. .	..	..	..	..	..	55,000
Dépenses des Exercices Clos .. .. .	..	..	..	..	..	Mémoire.
TOTAL des Dépenses de la Justice					Francs	26,739,095

IIe Partie.—Dépenses des Cultes.

Administration Centrale.						
Personnel des Bureaux des Cultes .. .. .	..	..	..	..	198,000	
Matériel et Dépenses diverses des Bureaux des Cultes .. .. .	..	..	..	..	27,000	
Subvention au Fonds des Retraites des Employés des Cultes .. .. .	..	..	..	..	17,000	
						242,00

MINISTÈRES ET SERVICES.

MONTANT DES
CREDITS ACCORDÉS.*Culte Catholique.*

	<i>Francs.</i>	<i>Francs.</i>
Traitements et Dépenses concernant les Cardinaux, Archevêques, et Evêques	1,057,000	
Traitements et Indemnités des Membres des Cha- pitres et du Clergé Paroissial	30,665,600	
Chapitre Royal de Saint-Denis	112,000	
Bourses des Séminaires	1,000,000	
Secours à des Ecclésiastiques et à d'Anciennes Religieuses	880,000	
Dépenses de Service Intérieur des Edifices Diocésains	537,000	
Entretien, acquisitions, constructions et grosses ré- parations des Edifices Diocésains	2,000,000	
Secours pour Acquisitions ou Travaux concernant les Eglises et Presbytères	1,500,000	
Secours à divers Etablissements Ecclésiastiques ..	156,000	
Dépenses accidentelles	5,000	
Restauration de la Cathédrale de Paris. (Loi du 19 Juillet, 1845.) .. .. .	..
	<hr/>	37,912,900

Cultes non Catholiques.

Dépenses du Personnel des Cultes Protestants ..	1,171,050	
Dépenses du Matériel des Cultes Protestants ..	100,000	
Frais d'Administration du Directoire-Général de la Confession d'Augabourg	16,000	
Dépenses du Culte Israélite	122,883	
	<hr/>	1,409,933
Dépenses des Exercices Clos .. .. .	..	Mémoire.
		<hr/>

TOTAL des Dépenses des Cultes *Francs* 39,564,833

RECAPITULATION.

Ire Partie.—Dépenses de la Justice	26,739,095
Ile Partie.—Dépenses des Cultes	39,564,833

TOTAL GENERAL *Francs* 66,303,928

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Administration Centrale.

Personnel	564,122	
Matériel	158,000	
	<hr/>	722,122

Traitements des Agents du Service Extérieur.

Traitements des Agents Politiques	2,816,800	
Traitements des Agents Consulaires	2,466,000	
	<hr/>	5,282,800
Traitements des Agents en inactivité	80,000	
	<hr/>	5,312,800

MINISTÈRES ET SERVICES.				MONTANT DES CREDITS ACCORDÉS.	
<i>Dépenses variables.</i>				<i>Francs.</i>	<i>Francs.</i>
Frais d'Etablissement..	..	..	..	150,000	
Frais de Voyage et de Courriers	..	..	..	600,000	
Frais de Service ..	..	..	..	1,098,000	
Présents Diplomatiques	..	..	..	40,000	
Indemnités et Secours	..	..	..	52,500	
Dépenses Secrètes ..	..	..	..	650,000	
Missions Extraordinaires	..	..	..	150,000	
Dépenses imprévues ..	..	..	..	30,000	
					2,770,500
Subvention à la Caisse des Retraites	..	..	..	..	80,000
Dépenses des Exercices Clos	..	..	..	..	Mémoire
TOTAL				Francs	8,885,422

MINISTÈRE DE L'INSTRUCTION PUBLIQUE.

Administration Centrale.

Personnel	..	..	..	..	..	439,500
Matériel	..	..	..	..	..	126,000

Université.

Conseil Royal et Inspecteurs-Généraux de l'Université..	..	274,000
Services Généraux ..	..	346,700
Administrations Académiques ..	..	741,300
Instruction Supérieure. (Facultés.) ..	..	2,967,356
Instruction Secondaire. (Frais Généraux) ..	..	115,000
Instruction Secondaire. (Collèges Royaux et Communaux.) ..	..	2,406,700
Instruction Primaire. (Inspection.) ..	..	582,000
Instruction Primaire. (Dépenses imputables sur les Fonds Généraux du Budget) ..	..	2,400,000
Instruction Primaire. (Dépenses imputables sur les Fonds Départementaux) ..	..	4,235,000
Instruction Primaire. (Dépenses imputables sur les Ressources Spéciales des Ecoles Normales Primaires) ..	..	550,000

Sciences et Lettres.

Institut ..	..	584,800
Collège de France ..	..	180,044
Muséum d'Histoire Naturelle ..	..	504,150
Etablissements Astronomiques ..	..	121,760
Bibliothèque Royale. (Dépenses Ordinaires)..	..	283,600
Bibliothèque Royale. (Crédit Extraordinaire.—10e Annuité) ..	..	105,000
Bibliothèques Publiques ..	..	170,223
Académie Royale de Médecine ..	..	51,500
Ecole des Chartes ..	..	35,400
Ecole Spéciale des Langues Orientales vivantes et Cours d'Arabe vulgaire à Marseille ..	..	55,800
Etablissements divers. (Cours d'Archéologie à la Bibliothèque Royale ; Jardins Botaniques d'Avignon et d'Ajaccio.) ..	..	20,400

MINISTÈRES ET SERVICES.						MONTANT DES CREDITS ACCORDÉS.
						<i>Francs.</i>
Souscriptions .. .. .	..	..	..	..	..	180,000
Sociétés Savantes .. .. .	..	..	..	..	..	50,000
Voyages et Missions Scientifiques .. .. .	..	..	..	..	..	112,000
Encouragements et Secours aux Savants et Hommes de Lettres ..						249,800
Recueil et Publication des Documents inédits de l'Histoire Nationale .. .. .	..	..	..	..	..	150,000
Dépenses des Exercices Clos .. .. .	..	..	..	..	..	Mémoire.
TOTAL						<i>Francs</i> 18,038,033

MINISTÈRE DE L'INTÉRIEUR.

*Services Imputables sur les Fonds Généraux du Budget.**Administration Centrale.*

Traitement du Ministre et Personnel de l'Adminis- tration Centrale.	<i>Francs.</i>	
Matériel et Dépenses diverses des Bureaux ..	858,000	
Subvention à la Caisse des Retraites des Employés de l'Administration Centrale	270,000	
Archives du Royaume	100,000	
	100,000	1,328,000

Services Divers.

Dépenses Secrètes Ordinaires de Police Générale	932,000	
Dépenses du Personnel des Lignes Télégraphiques	1,010,700	
Dépenses du Matériel des Lignes Télégraphiques. .	144,800	
Dépenses Générales du Personnel des Gardes Na- tionales	147,000	
Dépenses Générales du Matériel des Gardes Na- tionales	26,000	
Dépenses relatives à la surveillance de la Librairie provenant de l'Etranger et des Contrefaçons. .	18,000	2,278,500

Beaux-Arts.

Etablissements des Beaux-Arts '	472,000	
Ouvrages d'Art et Décoration d'Edifices Publics ..	500,000	
Conservation d'Ancien Monuments Historiques ..	800,000	
Encouragements et Souscriptions concernant les Beaux-Arts	211,000	1,983,000
Indemnités annuelles ou Secours accordés à des Artistes, Auteurs Dramatiques, Compositeurs, et à leurs Veuves	137,700	
Subventions aux Théâtres Royaux	1,284,200	
Subvention à la Caisse des Pensions de l'Académie Royale de Musique	200,000	
Subvention à la Caisse des Retraites du Conserva- toire de Musique	10,000	1,681,900

MINISTÈRES ET SERVICES.

MONTANT DES
CREDITS ACCORDÉS.*Secours et Subventions.*

	<i>Francs.</i>	<i>Francs.</i>
Secours aux Etablissements Généraux de Bien- faisance	559,500	
Secours Généraux aux Hospices, Bureaux de Charité et Institutions de Bienfaisance	297,000	
Secours à des Personnes dans l'Indigence, et qui ont des droits à la bienveillance du Gouverne- ment: Frais de Rapatriement de Français Indigents, &c.	217,000	
Subventions pour construction de Ponts de Péage sur les Chemins Vicinaux	400,000	
Secours aux Sociétés de Charité Maternelle	120,000	
Secours aux Etrangers Réfugiés en France	1,600,000	
Secours aux Condamnés Politiques sous la Restau- ration	225,000	
Secours aux Combattants de Juillet, 1830, et aux Orphelins de Juillet, 1830, et de Juin, 1832	22,000	
	<hr/>	3,140,560

*Services Départementaux à la Charge des Fonds Généraux du Budget.**Administration Départementale.*

Traitements et Indemnités aux Fonctionnaires Administratifs des Départements	3,211,200	
Traitements et Indemnités aux Commissaires de Police.. .. .	100,000	
Abonnements pour frais d'Administration des Pré- fectures et Sous-Préfectures	5,086,000	
Inspections Administratives de Services Départe- mentaux	130,000	
	<hr/>	8,527,200

Détention des Condamnés.

Dépenses Ordinaires des Condamnés à plus d'un an de détention, renfermés dans les Maisons Cen- trales de Force et de Correction ou autres Prisons; Réparations des Bâtiments, Mobi- lier, &c.	5,300,000	
Remboursements sur le produit du travail des Condamnés détenus dans les Maisons Centrales de Force et de Correction	1,400,000	
Transport des Condamnés aux Bagnes et aux Mai- sons Centrales de Force et de Correction; Re- prises d'Evadés	500,000	
	<hr/>	7,200,000

Matériel des Cours Royales.

Loyers, entretien et réparations de bâtiments, mobilier et menues dépenses des Cours Royales; Frais d'occupation du Palais de Jus- tice de Paris par la Cour de Cassation	400,000	
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MINISTÈRES ET SERVICES.	MONTANT DES CREDITS ACCORDÉS.	
	Francs.	Francs.
Construction d'un nouveau Palais pour la Cour Royale de Pau	165,548	565,548
Dépenses des Exercices Clos		Mémoire.
TOTAL des Dépenses imputables sur les Fonds Généraux du Budget	Francs	26,954,708

SERVICE DÉPARTEMENTAL IMPUTABLE SUR RESSOURCES SPÉCIALES.

Dépenses Ordinaires.

Dépenses imputables sur le produit des centimes additionnels concédés aux Départements (10 centimes)	19,375,200	
Dépenses imputables sur le produit du Fonds Commun à répartir par Ordonnance Royale (6 centimes $\frac{1}{10}$)	12,363,840	
Dépenses imputables sur les produits éventuels ordinaires	1,106,000	32,845,040

Dépenses Facultatives.

Dépenses d'utilité Départementale imputables sur le produit des centimes facultatifs votés par les Conseils Généraux. (Maximum 5 cent. dans 85 Départements, et 12 cent. dans la Corse)..	9,687,600	
Dépenses sur le produit du Fonds Commun à répartir en secours par le Règlement des Budgets Départementaux, ($\frac{1}{10}$ de cent.) ..	1,159,110	
Dépenses sur les produits éventuels facultatifs ..	832,000	
Dépenses sur Subventions Communales et Particulières, et autres produits destinés à des Travaux d'Utilité Départementale.. ..	1,453,000	13,131,710

Dépenses Extraordinaires.

Dépenses imputables sur le produit des centimes additionnels extraordinaires imposés en vertu de lois spéciales	16,168,300	
Dépenses sur les Fonds d'Emprunts autorisés par des lois particulières	3,700,000	19,868,300

Dépenses Spéciales.

Dépenses des Chemins Vicinaux imputables sur le produit des centimes additionnels spéciaux (maximum 5 cent.)	12,065,000	
Dépenses sur contingents communaux et souscriptions particulières	11,700,000	23,765,000
TOTAL des Dépenses Départementales imputables sur ressources spéciales		89,610,050

MINISTÈRES ET SERVICES.		MONTANT DES CREDITS ACCORDÉS.
RECAPITULATION.		
		<i>Francs.</i>
Dépenses imputables sur les fonds généraux du Budget ..	..	26,954,708
Dépenses Départementales imputables sur ressources spéciales ..	..	89,610,050
		<hr/>
TOTAL GENERAL	<i>Francs</i>	116,564,758
		<hr/>

MINISTÈRE DE L'AGRICULTURE ET DU COMMERCE.

<i>Service Central.</i>		<i>Francs.</i>
Administration Centrale. (Personnel) ..	..	541,550
Administration Centrale. (Matériel) ..	..	102,000
Subvention à deux Caisses de Retraites ..	..	60,000
		<hr/>
		703,550
<i>Agriculture et Haras.</i>		
Ecoles Vétérinaires et Bergeries ..	..	702,500
Encouragements à l'Agriculture ...	..	1,100,000
Haras, Dépôts d'Etalons, etc. ..	..	1,497,100
Remontes des Haras Royaux et Encouragements à l'Industrie particulière ..	..	842,000
		<hr/>
		4,141,600
<i>Manufactures, Commerce Intérieur et Extérieur.</i>		
Conservatoire et Ecoles des Arts et Métiers ..	..	1,165,000
Encouragements aux Manufactures et au Commerce, Missions, &c. ..	..	258,000
Frais de Surveillance des Sociétés et Agences Tontinières ..	..	20,000
Encouragements aux Pêches Maritimes ..	..	4,000,000
Poids et Mesures ..	..	725,000
		<hr/>
		5,003,000
<i>Etablissements Thermaux et Service Sanitaire.</i>		
Entretien des Etablissements Thermaux ..	..	230,000
Subvention aux Etablissements d'Eaux Minérales dont l'Etat n'est pas Propriétaire ..	..	60,000
Etablissements et Service Sanitaires ..	..	349,500
		<hr/>
		639,500
<i>Secours.</i>		
Secours aux Colons ..	..	800,000
Secours pour Pertes Matérielles et Evénements Malheureux ..	..	1,931,850
		<hr/>
		2,731,850
Dépenses des Exercices Clos ..	..	Mémoire.
		<hr/>
TOTAL	<i>Francs</i>	14,384,500
		<hr/>

MONTANT DES
CREDITS ACCORDES.

MINISTÈRES ET SERVICES.

MINISTÈRE DES TRAVAUX PUBLICS.

Ire SECTION.—*Service Ordinaire.*

	<i>Francs.</i>
Traitement du Ministre et Personnel de l'Administration Centrale	549,500
Matériel et Dépenses diverses des Bureaux de l'Administration Centrale	92,000
Personnel du Corps des Ponts et Chaussées	3,318,900
Personnel des Officiers et Maîtres de Ports du Service Maritime et des Inspecteurs de la Navigation	196,000
Personnel des Conducteurs Embrigadés	1,558,000
Personnel du Corps des Mines, Enseignement, Ecoles .. .	560,300
Personnel des Gardes-mines	80,000
Matériel des Mines (Services divers)	70,000
Conseil des Bâtiments Civils, et Bureau de Contrôle	69,400
Subvention à la Caisse des Retraites.. .. .	250,000
Routes Royales et Ponts	32,500,000
Navigation Intérieure (Rivières et Quais)	9,410,000
Navigation Intérieure (Canaux)	5,100,000
Ports Maritimes, Phares et Fanaux.. .. .	5,550,000
Bacs, Dunes et Semis, Etudes d'Irrigations et de Dessèchements..	750,000
Chemins de Fer. (Frais de Police et de Surveillance) ..	643,950
Continuation des Etudes de Chemins de Fer	50,000
Subventions aux Compagnies pour Travaux par voie de concession de Péage	450,000
Frais Généraux du Service des Départements, Secours, etc. ..	69,000
Entretien et Réparations Ordinaires des Bâtiments Civils d'intérêt général	560,000
Constructions et grosses réparations d'intérêt général. (Bâtiments Civils)	780,000
Travaux de Construction, d'Achèvement, ou de grande réparation de divers édifices publics. (Loi du 19 Juillet, 1843) ..	170,000
Agrandissement et réparation d'Etablissements d'intérêt général. (Loi du 19 Juillet, 1845)	30,000
Achèvement de divers Edifices Publics. (Loi du 3 Juillet, 1816)	700,000
Frais de Publication des Comptes rendus des Ponts et Chaussées, des Mines, et des Monuments Publics	15,000
Dépenses des Exercices Clos	Mémoire.
TOTAL de la Ire Section ..	63,522,050

Ile SECTION. — *Service Extraordinaire.*

Ire Partie.—Travaux régis par la Loi du 25 Juin, 1841.

Routes Royales classées avant le 1er Janvier, 1837 .. .. .	..
Routes Royales classées depuis le 1er Janvier, 1837 .. .. .	..
Routes Royales et Ports Maritimes de la Corse	748,500
Routes Stratégiques de l'Ouest .. .. .	..
Ponts .. .. .	..
Amélioration de Rivières .. .. .	..
Amélioration de Rivières. (Loi du 8 Juillet, 1840) .. .. .	..
Canaux du Nivernais et du Berry .. .. .	..

MINISTÈRES ET SERVICES.					MONTANT DES CREDITS ACCORDÉS.
					<i>Francs.</i>
Etudes de Navigation	..	..	..	..	..
Amélioration de Ports Maritimes	..	..	..	..	1,700,000
Chemins de Fer (garantie d'intérêts et prêts aux Compagnies Concessionnaires de Chemins de Fer)	..	..	..	..	..
Chemins de Fer construits par l'Etat	..	..	..	..	..
Etablissement de Nouveaux Canaux	..	..	..	..	..
Etablissement de Nouveaux Canaux. (Loi du 8 Juillet, 1840)	..	..	..	..	..
Dépenses des Exercices Clos	..	..	..	..	Mémoire.
TOTAL de la Ire Partie					2,448,500
<i>Ile Partie.—Travaux régis par la Loi du 11 Juin. 1842.</i>					
Etablissement de grandes Lignes de Chemins de Fer	..	..	..	..	23,200,000
Prêts et Subventions aux Compagnies des Chemins de Fer de Paris à Rouen et de Rouen au Havre	..	..	..	..	..
Travaux de Routes Royales. (Loi du 5 Août, 1844)	..	..	..	..	..
Ports Maritimes, phares et fanaux. (Loi du 5 Août, 1844, 16 et 19 Juillet, 1845)	..	..	..	..	2,000,000
Achèvement et Perfectionnement des Routes Royales. (Loi du 30 Juin, 1845)	..	..	..	..	15,000,000
Construction de 3 Edifices à affecter à des services d'intérêt général. (Loi du 15 Juillet, 1845)	..	..	..	..	..
Construction de divers Ponts. (Loi du 19 Juillet, 1845)	..	..	..	..	700,000
Etablissement de nouveaux Canaux. (Loi du 5 Mai, 1846)	..	..	..	..	5,500,000
Amélioration de Rivières. (Loi du 31 Mai, 1846)	..	..	..	..	1,000,000
TOTAL de la Ile Partie					47,400,000
REPORT du Total de la Ire Partie					2,448,500
TOTAL de la Ile Section					49,848,500
RECAPITULATION.					
Ire Section. Service Ordinaire	..	..	..	..	63,522,050
Ile ——— Service Extraordinaire	..	..	..	..	49,848,500
TOTAL GENERAL					113,370,550

MINISTÈRE DE LA GUERRE.

Ire SECTION.—Service Ordinaire.

Administration Centrale. (<i>Personnel.</i>)	..	..	..	..	2,020,200
Administration Centrale. (<i>Matériel.</i>)	..	..	..	..	317,150
Frais Généraux d'Impressions	..	..	..	..	235,000
Etats-Majors	..	..	..	..	17,958,569
Gendarmerie	..	..	..	..	21,356,878
Subvention à la Ville de Paris pour la Garde Municipale	..	..	..	..	1,997,006
Recrutement et Réserve	..	..	..	..	477,000
Justice Militaire	..	..	..	..	825,187
Solde et Entretien des Troupes	..	..	..	..	147,709,782
Habillement et Campement	..	..	..	..	11,607,886

MINISTÈRES ET SERVICES.						MONTANT DES CREDITS ACCORDÉS. <i>Francs.</i>
Lits Militaires ..	..	..	..	..	..	5,335,888
Transports Généraux ..	..	..	..	..	..	1,955,234
Remonte Générale ..	..	..	..	..	..	6,390,660
Harnachement ..	..	..	..	..	..	664,825
Fourrages ..	..	..	..	..	..	29,115,108
Solde de non-activité et solde de réforme ..	..	..	..	..	..	452,800
Secours.. ..	..	..	..	..	..	1,103,000
Dépenses temporaires ..	..	..	..	..	..	369,600
Subvention aux Fonds de Retraite des Employés ..	..	..	..	..	..	526,000
Dépôt Général de la Guerre et Nouvelle Carte de France ..	..	..	..	..	..	149,000
Matériel de l'Artillerie :						<i>Francs.</i>
Dépenses Ordinaires .. ..	..	..	..	..	..	6,962,707
Travaux Extraordinaires en Algérie ..	..	..	..	..	..	150,000
						<hr/>
						7,112,707
Poudres et Salpêtres. (<i>Personnel</i>).. ..	..	..	..	..	..	532,900
Poudres et Salpêtres. (<i>Matériel</i>) .. ..	..	..	..	..	..	4,274,292
Matériel du Génie. (Divisions Territoriales de l'Intérieur) ..	..	..	..	..	..	8,273,500
Matériel du Génie. (Algérie) :						
Dépenses Ordinaires .. ..	..	..	..	..	..	3,146,000
Travaux Extraordinaires .. ..	..	..	..	..	..	2,500,000
						<hr/>
						5,646,000
Ecoles Militaires.. ..	..	..	..	..	..	2,162,460
Invalides de la Guerre .. ..	..	..	..	..	..	2,768,568
Gouvernement et Administration Générale de l'Algérie ..	..	..	..	..	..	2,386,700
Services Militaires Indigènes en Algérie .. ..	..	..	..	..	..	7,429,922
Services Maritimes en Algérie .. ..	..	..	..	..	..	492,000
Services Civils en Algérie .. ..	..	..	..	..	..	4,511,800
Colonisation en Algérie .. ..	..	..	..	..	..	1,715,000
Travaux Civils en Algérie :						
Direction des Travaux Publics .. ..	..	..	..	..	..	87,000
Personnel des divers Services .. ..	..	..	..	..	..	445,465
Travaux Ordinaires .. ..	..	..	..	..	..	810,300
Travaux Extraordinaires :						
Dessèchements et Irrigations .. ..	..	..	..	..	..	750,000
Routes et Ponts .. ..	..	..	..	..	..	1,500,000
Aqueducs, Canaux, et Fontaines, &c. ..	..	..	..	..	..	200,000
Port d'Alger .. ..	..	..	..	..	..	2,000,000
Ports Secondaires, Phares et Fanaux ..	..	..	..	..	..	645,000
Bâtiments Civils .. ..	..	..	..	..	..	770,000
Travaux sur le Territoire Mixte et sur le Territoire Arabe .. ..	..	..	..	..	..	300,000
						<hr/>
						7,507,765
Dépenses Secrètes .. ..	..	..	..	..	..	250,000
Dépenses des Exercices Clos .. ..	..	..	..	..	..	Mémoire
						<hr/>
TOTAL de la Ire Section .. ..	..	..	..	..	..	305,630,382
						<hr/>

IIe SECTION.—Service Extraordinaire.

Ire PARTIE.—Travaux régis par la Loi du 25 Juin, 1841.

Travaux de Fortification de Paris .. ..	..	..	..	..	..	..
Travaux de Fortification des places autres que Paris .. ..	..	..	..	..	..	3,380,000

MINISTÈRES ET SERVICES.				MONTANT DES CREDITS ACCORDÉS.
				<i>Francs.</i>
Travaux pour les Bâtiments Militaires	..	..	..	8,820,000
Constructions pour le Service de l'Artillerie	..	..	..	650,000
Constructions aux Etablissements des Poudres et Salpêtres	..	..	..	„
TOTAL de la Ire Partie				12,850,000
Ile PARTIE.— <i>Travaux régis par la Loi du 11 Juin, 1842.</i>				
Travaux de Fortification du Havre..	..	..	..	800,000
Armement des Fortifications de Paris	..	..	..	1,130,000
Travaux Extraordinaires de Fortifications	..	..	..	1,600,000
Reconstruction de l'Arsenal d'Amiens	..	..	..	..
TOTAL de la Ile Partie				3,530,000
REPORT du Total de la Ire Partie				12,850,000
TOTAL de la Ile Section				16,380,000
RECAPITULATION.				
Ire SECTION.—Service Ordinaire	..	..	..	305,630,382
Ile SECTION.—Service Extraordinaire	..	..	..	16,380,000
TOTAL GENERAL				<i>Francs</i> 322,010,382

MINISTÈRE DE LA MARINE ET DES COLONIES.

Ire SECTION.—*Service Ordinaire.*SERVICE MARINE. — *Service Central.*

Administration Centrale. (<i>Personnel.</i>)	..	..	962,750	
Administration Centrale. (<i>Matériel.</i>)	..	..	173,020	
				1,135,770
<i>Service Général.</i>				
Officiers Militaires et Civils	..	..	7,614,857	
Maistrance, Gardiennage et Surveillance..	..	..	1,767,321	
Solde et Habillement des Equipages et des Troupes	..	..	29,864,020	
Hôpitaux	..	..	1,738,240	
Vivres	..	..	11,959,646	
Justice Maritime	..	..	91,710	
Salaires d'Ouvriers	..	..	10,300,000	
Approvisionnements Généraux de la Flotte	..	..	25,200,000	
Travaux Hydrauliques et Bâtiments Civils	..	..	3,712,000	
Poudres	..	..	433,912	
Ecole Navale en Rade de Brest	..	..	103,400	
Affrètements et Transports par mer	..	..	340,000	
Chiourmes	..	..	329,000	
Frais Généraux d'Impressions	..	..	275,000	
Frais de Voyage et Dépenses diverses	..	..	1,432,284	
Dépenses Temporaires	..	..	100,000	
				95,261,390

MINISTÈRES ET SERVICES. MONTANT DES
CREDITS ACCORDÉS.

Service Scientifique.

	<i>Francs.</i>	<i>Francs.</i>
Sciences et Arts Maritimes. (<i>Personnel.</i>) ..	481,960	
Sciences et Arts Maritimes. (<i>Matériel.</i>) ..	500,600	
	<hr/>	982,560
TOTAL des dépenses du Service Marine ..	<i>Francs</i>	97,379,720

Service Colonial.

Dépenses des Services Militaires aux Colonies. (<i>Personnel.</i>)	6,090,950	
Dépenses des Services Militaires aux Colonies. (<i>Matériel.</i>)	2,322,585	
	<hr/>	8,413,535
Dépenses des Colonies régies par la Loi du 25 Juin, 1841. (Martinique, Guadeloupe, Guyane Française et Bourbon :)		
Service Général	6,340,187	
Service Local	5,121,653	
	<hr/>	11,461,840
Subventions à divers Etablissements Coloniaux		1,250,700
Dépenses Générales des Etablissements Français de l'Océanie		1,735,100
		<hr/>
TOTAL des dépenses du Service Colonial ..	<i>Francs</i>	22,861,175
Dépenses des Exercices Clos		Mémoire.
		<hr/>

IIe SECTION.—*Service Extraordinaire.*

Travaux régis par la Loi du 25 Juin, 1841.

Fort Boyard		
Casernes dans les Ports de Brest, Rochefort, et Toulon..		
Etablissements à créer à Castineau		
Digue et Arsenal de Cherbourg		5,000,000
		<hr/>
TOTAL de la Ire Partie. ..	<i>Francs</i>	5,000,000

Travaux régis par la Loi du 11 Juin, 1842.

Curage et défense de la Petite Rade de Toulon. (Loi du 19 Juillet, 1845)		
Amélioration de la Rade de Port-Vendres. (Loi du 19 Juillet, 1845)		
Salaires d'Ouvriers. (Loi du 3 Juillet, 1846)		1,740,000
Approvisionnements généraux de la Flotte. (Loi du 3 Juillet, 1846)		7,580,000
Approvisionnement de Prévoyance. (Loi du 3 Juillet, 1846) ..		4,000,000
		<hr/>
TOTAL de la IIe Section ..	<i>Francs</i>	18,300,000

MINISTÈRES ET SERVICES.					MONTANT DES CREDITS ACCORDÉS.
RECAPITULATION.					
Ire Section.	Service Ordinaire				<i>Francs.</i>
	Service Marine .. ..	..	..	97,379,720	
	Service Colonial .. ..	..	..	22,861,175	
				<hr/>	120,240,895
IIe Section.	Service Extraordinaire	..	..	..	18,800,000
					<hr/>
	TOTAL GENERAL			<i>Francs</i>	138,540,895
					<hr/>

MINISTÈRE DES FINANCES.

Cour des Comptes.

Personnel .. ..	..	..	..	..	<i>Francs.</i>
					1,192,400
Matériel et Dépenses Diverses	..	..	..	..	70,495
					<hr/>
					1,262,895

Administration Centrale des Finances.

Personnel .. ..	..	..	..	..	5,755,600
Matériel .. ..	..	..	..	..	622,100
Dépenses Diverses	..	..	..	..	301,141
					<hr/>
					6,678,841

Monnaies et Médailles. (Service des Etablissements Monétaires.)

Personnel .. ..	..	..	..	..	150,400
Matériel .. ..	..	..	..	..	78,100
Dépenses Diverses	..	..	..	..	3,900
					<hr/>
					232,400

Service de Trésorerie.

Frais de Trésorerie .. ..	..	..	..	..	3,450,000
Traitements et Frais de Service des Receveurs Généraux et Particuliers des Finances	..	..	..	..	5,081,000
Traitements et Frais de Service des Payeurs dans les Départements	..	..	..	..	1,060,000
					<hr/>
					9,591,000
Dépenses des Exercices Clos .. ..	..	..	..	..	Mémoire.
					<hr/>
				TOTAL	<i>Francs</i>
					17,765,136
					<hr/>

RECAPITULATION DE LA IIIe PARTIE.

*Services Généraux des Ministères.**Service Ordinaire.*

Ministère de la Justice et des Cultes :		<i>Francs.</i>	
Dépenses de la Justice ..	..	26,739,095	
Dépenses des Cultes ..	..	39,564,833	
		<hr/>	66,303,928
Ministère des Affaires Etrangères	..	..	8,885,422
Ministère de l'Instruction Publique	..	..	18,038,033

MINISTÈRES ET SERVICES.			MONTANT DES CREDITS ACCORDÉS.	
	Francs.		Francs.	Francs.
Ministère de l'Intérieur :				
Dépenses imputables sur les Fonds				
Généraux du Budget ..	26,954,708			
Dépenses départementales imputables sur ressources spéciales	89,610,050			
			116,564,758	
Ministère de l'Agriculture et du Commerce ..			14,384,500	
Ministère des Travaux Publics ..			63,522,050	
Ministère de la Guerre ..			305,630,382	
Ministère de la Marine ..			120,240,895	
Ministère des Finances ..			17,765,136	
				731,335,104
<i>Service Extraordinaire.</i>				
<i>Travaux régis par la Loi du 25 Juin, 1841.</i>				
Ministère des Travaux Publics ..			2,448,500	
Ministère de la Guerre ..			12,850,000	
Ministère de la Marine ..			5,000,000	
				20,298,500
<i>Travaux régis par la Loi du 11 Juin, 1842.</i>				
Ministère des Travaux Publics ..			47,400,000	
Ministère de la Guerre ..			3,530,000	
Ministère de la Marine ..			13,300,000	
				64,230,000
TOTAL de la IIIe Partie			Francs	815,863,604

IVe Partie.—Frais de Régie, de Perception et d'Exploitation des Impôts et Revenus Publics.

Contributions Directes, Taxes Perçues en vertu de Rôles et Cadastre.

Service Administratif des Contributions directes et autres Taxes.

	Francs.		
Personnel ..	2,422,700		
Dépenses Diverses ..	1,637,938		
		4,060,638	
<i>Cadastre.</i>			
Frais d'Arpentage et d'Expertise :			
Dépenses à la Charge du	Francs.		
Fonds Commun ..	150,000		
Dépenses imputables sur le Produit des Centimes Facultatifs votés par les Conseils-Généraux des Départements ..	574,000		
		724,000	
Frais de Mutations Cadastrales ..	600,000		
		1,324,000	
			5,384,638

MINISTÈRES ET SERVICES.				MONTANT DES CREDITS ACCORDÉS.	
Frais de Perception des Contributions directes et autres Taxes.					
					Francs.
Remises aux Percepteurs ; frais de distribution de Premier Avertissement ; frais Judiciaires et Secours					11,938,572
Enregistrement, Domaines, et Timbre. (Service Administratif, de Perception et d'Exploitation dans les Départements.)					
Enregistrement et Domaines.					
				Francs.	Francs.
Personnel				9,272,800	
Matériel				308,500	
Dépenses Diverses				806,800	
				<hr/>	10,387,600
Timbre.					
Personnel				427,700	
Matériel et Dépenses Diverses				529,400	
				<hr/>	957,100
					<hr/>
					11,344,700
Forêts. (Service Administratif et de Surveillance dans les Départements.)					
Personnel					3,637,900
Matériel					1,268,700
Dépenses Diverses					526,900
				<hr/>	5,433,500
Douanes. (Service Administratif et de Perception dans les Départements.)					
Personnel					24,314,100
Matériel					595,300
Dépenses Diverses					1,444,250
				<hr/>	26,353,650
Contributions Indirectes et Poudres à Feu. (Service Administratif et de Perception dans les Départements.)					
Contributions Indirectes.					
Personnel				20,091,878	
Matériel				452,100	
Dépenses Diverses				1,545,000	
Avances Recouvrables				952,000	
				<hr/>	23,040,978
Poudres à Feu.					
Personnel				75,000	
Matériel et Dépenses Diverses				3,619,500	
				<hr/>	3,694,500
					<hr/>
					26,735,478
Tabacs. (Exploitation.)					
Personnel					1,007,000
Matériel					6,229,780
Achats et Transports de Tabacs					27,700,000
Dépenses Diverses					265,000
				<hr/>	35,201,780

MINISTÈRES ET SERVICES. **MONTANT DES CREDITS ACCORDÉS.**

Postes. (Service Administratif de Perception et d'Exploitation dans les Départements.)

Administration et Perception.

			<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Personnel	..	..	11,715,320		
Matériel	..	..	897,000		
Dépenses Diverses	..	..	1,424,324		
			<hr/>	14,036,644	
<i>Transports des Dépêches.</i>					
Personnel	..	..	2,788,468		
Matériel	..	..	12,119,190		
Dépenses Diverses	..	..	5,555,875		
			<hr/>	20,463,533	
				<hr/>	34,500,177
TOTAL de la IVe Partie				<i>Francs</i>	<u>156,892,495</u>

Ve Partie.—Remboursements et Restitutions, Non-valeurs, Primes et Escomptes.

Restitutions et Non-Valeurs :

Contributions Directes :

Restitutions de Fonds Commu-

naux 44,187,120

Non-valeurs et Réimpositions 5,468,110

**Restitutions pour Propriétés
démolies après la Confec-**

tion des Rôles 100,000

49,755,230

Taxes perçues en vertu de Rôles }

Taxes Dégrèvements et Non-valeurs } 17,000

49,772,230

Remboursements sur Produits Indirects et Divers

2,366,000

**Répartitions des Produits de Plombage, d'Estampillage, &c., en
matière de Douanes**

1,250,000

**Répartitions de Produits d'Amendes, Saisies et Confiscations, attri-
bués à divers**

3,662,000

Primes à l'Exportation de Marchandises

15,000,000

Escomptes sur Divers Droits

2,185,500

TOTAL de la Ve Partie *Francs.*

74,185,730

RECAPITULATION GÉNÉRALE DES DÉPENSES.

Service Ordinaire :

Dette Publique 384,346,191

Dotations 14,922,150

Services des Ministères 731,335,104

**Frais de Régie, de Perception, et d'Exploita-
tion des Impôts et Revenus Publics** .. 156,892,495

Remboursements et Restitutions, Non-Valeurs,

Primes et Escomptes 74,185,730

1,361,681,670

MINISTÈRES ET SERVICES.				MONTANT DES CREDITS ACCORDÉS
Service Extraordinaire :				<i>Francs.</i>
Travaux régis par la Loi du 25 Juin, 1841	..	..	..	20,298,500
Travaux régis par la Loi du 11 Juin, 1842	..	..	..	64,230,000
TOTAL GENERAL des Dépenses de l'Exercice, 1848				<i>Francs.</i> 1,446,210,170

(Etat B.)—TABLEAU des Crédits ouverts sur l'Exercice 1848, aux
Services spéciaux portés pour Ordre au Budget.

MINISTÈRE DE LA JUSTICE ET DES CULTES.

Légion d'Honneur.

Grande Chancellerie. (<i>Personnel</i>) ..	..	..	..	166,050
Grande Chancellerie. (<i>Matériel</i>) ..	..	..	..	44,950
Traitements des Membres de l'Ordre ..	..	..	..	5,366,000
Supplément de Traitement de 100 Francs aux Membres de l'Ordre, conformément à la Loi du 21 Juin, 1845 ..	..	..	..	841,500
Gratifications aux Membres de l'Ordre ..	..	..	..	60,000
Maison Royale de Saint-Denis. (<i>Personnel</i>) ..	..	..	..	117,610
Maison Royale de Saint-Denis. (<i>Matériel</i>) ..	..	..	..	424,000
Succursales de la Légion d'Honneur. (<i>Personnel</i>) ..	..	..	..	20,500
Succursales de la Légion d'Honneur. (<i>Matériel</i>) ..	..	..	..	287,000
Pensions Diverses ..	..	..	..	70,800
Commissions aux Receveurs-Généraux chargés des Payements dans les Départements ..	..	..	..	28,800
Décorations pour les Membres de l'Ordre ..	..	..	..	48,000
Fonds de Secours aux Elèves, à leur Sortie des Maisons d'Edu- cation ..	..	..	..	2,000
Dépenses Diverses et Imprévues ..	..	..	..	18,888
Frais relatifs au Domaine d'Ecouen ..	..	..	..	13,000
Dépenses des Exercices Clos ..	..	..	..	Mémoire.
TOTAL				<i>Francs.</i> 7,509,098

Imprimerie Royale.

Administration ..	..	..	..	41,100
Dépenses fixes d'Exploitation ..	..	..	..	228,300
Dépenses d'Exploitation non susceptibles d'une Evaluation fixe ..	..	..	..	3,004,500
Augmentation et Renouvellement du Matériel ..	..	..	..	45,310
Dépenses des Exercices Clos ..	..	..	..	Mémoire.
				3,319,210
Application à faire, aux produits divers du Budget, de l'excédant présumé des Recettes ..	..	..	..	233,790
TOTAL				<i>Francs.</i> 3,553,000

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Chancelleries Consulaires.

Frais de Chancelleries, Honoraires des Chanceliers et Perte sur le Change	326,000
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MINISTÈRES ET SERVICES. **MONTANT DES CREDITS ACCORDÉS.**
Francs.

Versement à effectuer au Trésor, à Titre de Fonds Commun des Chancelleries Consulaires, savoir :		
Portion à employer pour les Chancelleries dont les Recettes seront inférieures aux Dépenses ..	50,000	
Excédant disponible à porter en recette au Budget de l'Etat	24,000	
		<u>74,000</u>
TOTAL	<i>Francs.</i>	<u>400,000</u>

MINISTÈRE DE LA MARINE ET DES COLONIES.

Caisse des Invalides.

Pensions dites Demi-Soldes	2,110,000
Pensions pour Ancienneté et pour Blessures, et Pensions de Veuves	5,535,000
Fonds Annuel de Secours et Subsidés à l'Hospice des Orphelines de Rochefort	206,000
Frais d'Administration et de Trésorerie	340,000
Remboursements sur les Anciens Dépôts provenant de Soldes, de parts de Prises, &c.	180,000
Remboursements sur les Anciens Dépôts provenant de Naufrages	50,000
Dépenses Diverses	50,000
TOTAL	<i>Francs.</i> <u>8,471,000</u>

MINISTÈRE DES FINANCES.

Service de la Fabrication des Monnaies et Médailles.

Monnaies.

Frais de Fabrication des Monnaies, payés aux Directeurs	<i>Francs.</i> 719,394
Tolérances en fort sur la Fabrication des Monnaies	30,000
	<u>749,394</u>

Médailles.

Frais de Fabrication, y compris la valeur des Matières.. ..	531,000
	<u>1,280,394</u>

Application à faire aux produits divers du Budget, de l'excédant des Recettes présumées :

Sur les Monnaies	20,100
Sur les Médailles	50,000
	<u>70,100</u>

TOTAL *Francs* 1,350,494

RECAPITULATION.

Ministère de la Justice et des Cultes :	
Légion d'Honneur	7,509,098
Imprimerie Royale	3,553,000
Ministère des Affaires Etrangères :	
Chancelleries Consulaires	400,000

Ministère de la Marine et des Colonies :					<i>France.</i>
Caisse des Invalides	..	..	..	..	8,471,000
Ministère des Finances :					
Service de la Fabrication des Monnaies et Médailles				..	1,350,494
TOTAL GENERAL					<i>Francs.</i> 21,283,592

Certifié conforme :

*Le Ministre Secrétaire d'Etat au Département
des Finances,*

S. DUMON.

*LOI de France, portant fixation du Budget des Recettes de
l'Exercice 1848.—Neuilly, le 8 Août, 1847.*

Au Palais de Neuilly, le 8 Août, 1847.

LOUIS-PHILIPPE, Roi des Français, à tous présents et à venir,
Salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné
et ordonnons ce qui suit :

TITRE I.—Impôts autorisés pour l'Exercice 1848.

ART. I.—Les contributions foncière, personnelle et mobilière, des
portes et fenêtres et des patentes, seront perçues, pour 1848, en
principal et centimes additionnels, conformément à l'Etat A ci-annexé,
et aux dispositions des lois existantes.

Le contingent de chaque département dans les contributions
foncière, personnelle et mobilière, et des portes et fenêtres, est fixé, en
principal, aux sommes portées dans l'Etat B annexé à la présente Loi.

II. Lorsqu'en exécution du paragraphe 4 de l'Article XXXIX de
la Loi du 18 Juillet, 1837, il y aura lieu par le Gouvernement, d'im-
poser d'office, sur les communes, des centimes additionnels pour le
payement des dépenses obligatoires, le nombre de ces centimes ne
pourra excéder le maximum de 10, à moins qu'il ne s'agisse de l'acquit
de dettes résultant de condamnations judiciaires, auquel cas il pourra
être élevé jusqu'à 20.

III. En cas d'insuffisance des revenus ordinaires pour l'établisse-
ment des écoles primaires communales, élémentaires ou supérieures,
les Conseils Municipaux et les Conseils Généraux des Départements
sont autorisés à voter, pour 1848, à titre d'imposition spéciale destinée
à l'instruction primaire, des centimes additionnels au principal des
4 contributions directes. Toutefois, il ne pourra être voté, à ce
titre, plus de 3 centimes par les Conseils Municipaux, et plus de 2
centimes par les Conseils Généraux.

IV. En cas d'insuffisance des centimes facultatifs ordinaires, pour
concourir, par des subventions, aux dépenses des chemins vicinaux
de grande communication, et, dans des cas extraordinaires, aux

dépenses des autres chemins vicinaux, les Conseils Généraux sont autorisés à voter, pour 1848, à titre d'imposition spéciale, 5 centimes additionnels aux 4 contributions directes.

V. Continuera d'être faite, pour 1848, au profit de l'Etat et conformément aux lois existantes, la perception

Des droits d'enregistrement, de timbre, de greffe, d'hypothèques, de passeports et de permis de chasse, du produit du visa des passeports, et de la légalisation des actes au Ministère des Affaires Etrangères, et des droits de sceau à percevoir pour le compte du Trésor, en conformité des Lois des 17 Août, 1828, et 29 Janvier, 1831 ;

Du 20ème à payer sur le produit des bois des communes et établissements publics, vendus ou délivrés en nature, pour indemniser l'Etat des frais d'administration de ces bois (Article V de la Loi des Recettes de 1842, du 25 Juin, 1841, et Article VI de la Loi des Recettes de 1846, du 19 Juillet, 1845) ;

Des droits de douanes, y compris celui sur les sels ;

Des contributions indirectes, y compris les droits de garantie, la retenue sur le prix des livraisons de tabacs, autorisée par l'Article XXXVIII de la Loi du 24 Décembre, 1814, les frais de casernement déterminés par la Loi du 15 Mai, 1818, et le prix des poudres, tel qu'il est fixé par les Lois des 16 Mars, 1819, et 24 Mai, 1834 ;

De la taxe des lettres et du droit sur les sommes versées aux caisses des Agents des Postes ;

Du droit annuel imposé aux chefs d'institution et aux maîtres de pension par le Décret du 17 Septembre, 1808 ; des rétributions imposées, par les Décrets du 4ème jour Complémentaire an XII (21 Septembre, 1804), et du 17 Février, 1809, sur les élèves des facultés et sur les candidats qui se présentent pour y obtenir des grades ;

Des rétributions imposées, par la Loi du 21 Germinal an XI (11 Avril, 1803), l'Arrêté du Gouvernement du 25 Thermidor suivant (13 Août de la même année) et l'Ordonnance Royale du 27 Septembre, 1840, aux élèves des Ecoles de Pharmacie et aux Herboristes reçus par ces écoles ;

Du produit des monnaies et médailles ;

Des redevances sur les mines ;

Des redevances pour permission d'usines et de prises d'eau temporaires, toujours révocables sans indemnité, sur les canaux et rivières navigables ;

Des droits de vérification des poids et mesures, conformément à l'Ordonnance Royale du 17 Avril, 1839 ;

Des taxes des brevets d'invention ;

Des droits de chancellerie et de consulat perçus en vertu des tarifs existants ;

D'un décime pour franc sur les droits qui n'en sont point affranchis, y compris les amendes et condamnations pécuniaires, et sur les droits

de greffe perçus, en vertu de l'Ordonnance du 18 Janvier, 1826, par le Secrétaire Général du Conseil d'Etat ;

Des rétributions imposées, pour frais de surveillance, sur les compagnies et agences de la nature des tontines, dont l'établissement aura été autorisé par Ordonnance Royale rendue dans la forme des règlements d'administration publique. (Avis du Conseil d'Etat, approuvé par l'Empereur le 1er Avril, 1809, et Loi des Recettes de 1843) ;

Des droits sanitaires, conformément au tarif annexé à la Loi des Recettes de 1844, en date du 24 Juillet, 1843.

VI. Continuera d'être faite, pour 1848, au profit des départements, des communes, des établissements publics et des communautés d'habitants dûment autorisées, et conformément aux lois existantes, la perception

Des taxes imposées, avec l'autorisation du Gouvernement, pour la surveillance, la conservation et la réparation des digues et autres ouvrages d'art intéressant les communautés de propriétaires ou d'habitants ; des taxes pour les travaux de dessèchement autorisés par la Loi du 16 Septembre, 1807, et des taxes d'affouages, là où il est d'usage et utile d'en établir ;

Des droits de péage qui seraient établis, conformément à la Loi du 14 Floréal an X (4 Mai, 1802), pour concourir à la construction ou à la réparation des ponts, écluses, ou ouvrages d'art à la charge de l'Etat, des départements ou des communes, et pour corrections de rampes sur les routes royales ou départementales ;

Des taxes imposées, avec l'autorisation du Gouvernement, pour subvenir aux dépenses intéressant les communautés de marchands de bois ;

Des droits d'examen et de réception imposés par l'Arrêté du Gouvernement du 20 Prairial an XI (9 Juin, 1803), sur les candidats qui se présentent devant les jurys médicaux pour obtenir le diplôme d'officier de santé ou de pharmacien ;

Des droits établis pour frais de visite chez les pharmaciens, droguistes, et épiciers ;

Des rétributions imposées, en vertu des Arrêtés du Gouvernement du 3 Floréal an VIII (23 Avril, 1800), et du 6 Nivôse an XI (27 Décembre, 1802), sur les établissements d'eaux minérales naturelles, pour le traitement des médecins chargés par le Gouvernement de l'inspection de ces établissements ;

Des contributions imposées par le Gouvernement sur les bains, fabriques et dépôts d'eaux minérales, pour subvenir aux traitements, des médecins inspecteurs desdits établissements (Article XXX de la Loi des Recettes de 1842, du 25 Juin, 1841, et Lois de Finances antérieures) ;

Des rétributions pour frais de visite des aliénés placés volontairement dans des établissements privés (Articles IX de la Loi du 30 Juin, 1838, et XXIX de la Loi du 25 Juin, 1841) ;

Des droits d'octroi, des droits de pesage, mesurage et jaugeage ;

Des droits de voirie dont les tarifs ont été approuvés par le Gouvernement, sur la demande et au profit des communes (Loi du 18 Juillet, 1837) ;

Du 10ème des billets d'entrée dans les spectacles et les concerts quotidiens ;

D'un quart de la recette brute dans les lieux de réunion ou de fête où l'on est admis en payant ;

Des contributions spéciales destinées à subvenir aux dépenses des Bourses et Chambres de Commerce, ainsi que des revenus spéciaux accordés auxdits établissements ;

Des droits de place perçus dans les halles, foires, marchés, abbatoirs, d'après les tarifs dûment autorisés (Loi du 18 Juillet, 1837) ;

Des droits de stationnement et de location sur la voie publique sur les ports et rivières et autres lieux publics (Loi du 18 Juillet, 1837) ;

Des taxes de frais de pavage des rues, dans les villes où l'usage met ces frais à la charge des propriétaires riverains (dispositions combinées de la Loi du 11 Frimaire an VII (1 Décembre, 1798), et du Décret de Principe du 25 Mars, 1807, et Article XXVIII de la Loi des Recettes de 1842, du 25 Juin, 1841) ;

Des taxes d'établissement de trottoirs dans les rues et places dont les plans d'alignement ont été arrêtés par Ordonnances Royales, conformément aux dispositions de la Loi du 7 Juin, 1845 ;

Du prix de la vente exclusive, au profit de la caisse des invalides de la marine, des feuilles de rôles d'équipages des bâtiments de commerce, d'après le Tarif du 8 Messidor an XI (27 Juin, 1803) ;

Des frais de travaux intéressant la salubrité publique (Loi du 16 Septembre, 1807) ;

Des droits d'inhumation et de concession de terrains dans les cimetières (Décrets Organiques du 23 Prairial an XII (12 Juin, 1804) et du 18 Août, 1811).

VII. Les droits sur le sel, lorsque la somme à payer excédera 600 francs, pourront être acquittés en obligations cautionnés, moitié à 3 mois, moitié à 6 mois.

VIII. Dans les colonies de la Martinique, de la Guadeloupe, de la Guyane Française et de Bourbon, les recettes de toute nature continueront à être faites, en 1848, conformément aux Lois et Ordonnances actuellement en vigueur.

TITRE II.—*Evaluation des Recettes de l'Exercice 1848.*

IX. Les voies et moyens ordinaires et extraordinaires sont évalués, pour l'Exercice 1848, à la somme de 1,391,276,510 francs, conformément à l'Etat C ci-annexé.

Les ressources affectées aux services spéciaux, portés pour ordre

au budget sont évaluées, pour l'Exercice 1848, à la somme de 21,283,592 francs, conformément à l'Etat D ci-annexé.

X. Les ressources spécialement attribuées au service départemental, par la Loi du 10 Mai, 1838, sont évaluées à la somme de 94,969,050 francs, pour l'Exercice 1848, et leur affectation, par section spéciale, est et demeure déterminée conformément au Tableau E annexé à la présente loi.

XI. Les ressources attribuées au service colonial sont évaluées à la somme de 22,861,175 francs, pour l'Exercice 1848, et leur affectation est et demeure déterminée conformément au Tableau F annexé à la présente loi.

TITRE III.—*Moyens de Service.*

XII. Le Ministre des Finances est autorisé à créer, pour le service de la Trésorerie et les négociations avec la Banque de France, des bons royaux portant intérêt et payables à échéance fixe.

Les bons royaux en circulation ne pourront excéder 275,000,000 francs. Ne sont pas compris dans cette limite les bons royaux délivrés à la caisse d'amortissement en vertu de la Loi du 10 Juin, 1833.

Dans le cas où cette somme serait insuffisante pour les besoins du service, il y sera pourvu au moyen d'une émission supplémentaire, qui devra être autorisée par Ordonnances Royales, lesquelles seront insérées au Bulletin des Lois, et soumises à la sanction législative à l'ouverture de la plus prochaine session des Chambres.

TITRE IV.—*Disposition Particulière.*

XIII. A l'avenir, au fur et à mesure de chaque vacance, les cautionnements des Receveurs-Généraux et des Receveurs-Particuliers des Finances, ainsi que ceux des Percepteurs des Contributions Directes, seront déterminés d'après les bases suivantes :

Cautionnements des Receveurs-Généraux.

Sur Contributions directes :

6 francs pour cent sur les premiers 2,000,000.

4 francs pour cent sur toute somme excédant les premiers 2,000,000.

Sur Produits, indirects et divers :

2 francs pour cent sur les premiers 2,000,000

1 franc pour cent sur toute somme excédant les premiers 2,000,000.

Cautionnements des Receveurs d'Arrondissement.

Sur Contributions directes :

6 francs pour cent sur les premiers 500,000 francs.

4 francs pour cent sur toute somme excédant les premiers 500,000 francs.

Sur Produits indirects et divers :

2 francs pour cent sur les premiers 500,000 francs.

1 franc pour cent sur les 4,500,000 francs suivants.

50 francs pour cent sur toute somme excédant les premiers 5,000,000 francs.

Cautionnements des Percepteurs.

10 francs pour cent sur les premiers 100,000 francs.

6 francs 50 centimes pour cent sur les 400,000 francs suivants.

5 francs pour cent sur toute somme excédant les premiers 500,000 francs.

L'application de ces bases sera faite, pour les receveurs des finances, aux recettes réalisées pendant la dernière année expirée, et pour les percepteurs, au montant des rôles généraux et supplémentaires du dernier exercice.

XIV. Les cautionnements des comptables dont la quotité n'est pas déterminée par une loi seront fixés par Ordonnance Royale, rendue sur le rapport du Ministre compétent, de concert avec le Ministre des Finances.

TITRE V.—Dispositions Générales.

XV. Toutes contributions directes ou indirectes, autres que celles autorisées par la présente loi, à quelque titre et sous quelque dénomination qu'elles se perçoivent, sont formellement interdites, à peine, contre les autorités qui les ordonneraient, contre les employés qui confectionneraient les rôles et tarifs, et ceux qui en feraient le recouvrement, d'être poursuivis comme concussionnaires, sans préjudice de l'action en répétition, pendant 3 années, contre tous receveurs, percepteurs, ou individus qui auraient fait la perception, et sans que, pour exercer cette action devant les tribunaux, il soit besoin d'une autorisation préalable. Il n'est pas néanmoins dérogé à l'exécution de l'Article IV de la Loi du 2 Août, 1829, relatif aux centimes que les Conseils Généraux sont autorisés à voter pour les opérations cadastrales, non plus qu'aux dispositions des Lois du 10 Mai, 1838, sur les attributions départementales, du 18 Juillet, 1837, sur l'Administration Communale, du 21 Mai, 1836, sur les chemins vicinaux, et du 28 Juin, 1833, sur l'instruction primaire.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme loi de l'Etat.

DONNONS EN MANDEMENT à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera, et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait en notre Palais de Neuilly, le 8e jour du mois d'Août, l'an 1847.

Par le Roi :

LOUIS-PHILIPPE.

*Le Ministre Secrétaire d'Etat au Département
des Finances,*

S. DUMONT.

(Etat A.)—TABLEAU des Contributions Directes d'imposer en Principal et en Centimes Additionnels, pour l'Exercice 1848.

NATURE ET OBJET DES IMPOSITIONS.	CONTRIBUTIONS.				TOTALS.		OBSERVATIONS.
	Foncière.	Personnelle et Mobilière.	Portes et Fenêtres.	Patentes.	Par nature de Contributions.	Par affectation de Contributions.	
Fonds pour dépenses Réunies.	Centimes add.	Centimes add.	Centimes add.	Centimes add.	France.	France.	
	159,725,000	34,400,000	34,542,000	(a) 23,120,000	250,847,000	202,065,000	
	
	
Fonds pour dépenses départementales.	Centimes add.	Centimes add.	Centimes add.	Centimes add.	France.	France.	
	10,154,400	3,205,440	...	...	12,359,840	...	
	
	
Fonds pour dépenses Centrales.	Centimes add.	Centimes add.	Centimes add.	Centimes add.	France.	France.	
	7,904,000	1,723,000	...	...	9,627,000	75,023,060	
	
	
Fonds pour dépenses Centrales.	Centimes add.	Centimes add.	Centimes add.	Centimes add.	France.	France.	
	10,904,000	2,570,000	1,543,500	1,454,800	16,168,300	...	
	
	
Fonds pour dépenses Centrales.	Centimes add.	Centimes add.	Centimes add.	Centimes add.	France.	France.	
	7,873,000	1,059,000	1,183,000	1,430,000	12,005,000	...	
	
	
Fonds pour dépenses Centrales.	Centimes add.	Centimes add.	Centimes add.	Centimes add.	France.	France.	
	2,791,000	667,000	305,000	487,000	4,230,000	...	
	
	
Fonds pour dépenses Centrales.	Centimes add.	Centimes add.	Centimes add.	Centimes add.	France.	France.	
	674,000	...	...	...	674,000	...	
	
	
Fonds pour dépenses Centrales.	Centimes add.	Centimes add.	Centimes add.	Centimes add.	France.	France.	
	7,940,000	1,711,000	...	...	9,651,000	...	
	
	

(a) Le principal de la Contribution des Patentes est évalué à 36,000,000

Mais il en est déduit 8 centimes dont le produit est attribué aux communes, par l'Article 33 de la loi du 25 Avril, 1844 2,880,000

Reste pour la portion du principal de la contribution des patentes, qui est appliquée aux dépenses générales du Budget, ci 33,120,000

(Etat B.)—*Fixation du Contingent de Chaque Département, en Principal, dans les Contributions Foncière, Personnelle et Mobilière, et des Portes et Fenêtres.*

[Suit Etat de chaque Département pour 1848.]

(Etat. C.)—*BUDGET GENERAL des Voies et Moyens de l'Exercice 1848.*

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES PREVUES POUR LE BUDGET DE 1848.	
	Francs.	Francs.
Contributions Directes :		
Foncière	279,456,080	
Personnelle et Mobilière	59,318,060	
Des Portes et Fenêtres	34,796,826	
Des Patentes	46,810,100	
Taxe de Premier Avertissement	793,890	
	<hr/>	420,869,956
Enregistrement, Timbre et Domaines :		
Droits d'Enregistrement, de Greffe, d'Hypothèques, et Perceptions		
Diverses	216,324,000	
Droit de Timbre	40,566,000	
	<hr/>	256,880,000
Revenus et Prix de Vente de Do- maines	3,282,300	
Prix de Vente d'Objets Mobiliers et Immobiliers provenant des Mi- nistères	2,123,500	
Produits d'Etablissements Spéciaux régis ou affermés par l'Etat	1,073,690	
	<hr/>	6,479,490
		263,359,490
Produits des Forêts et de la Pêche :		
Produits des Coupes de Bois	33,548,500	
Produits Divers et Droit de Pêche	3,069,200	
Contributions des Communes et Etablissements Publics pour Frais de Régie de leurs Bois	1,778,000	
	<hr/>	38,395,700
Douanes et Sels :		
Droits de Douanes à l'Importation :		
Marchandises Diverses	105,888,000	
Sucres Coloniaux	38,458,000	
Sucres Etrangers	11,270,000	
	<hr/>	49,728,000
Droits de Douanes à l'Exportation	1,919,000	
Droits de Navigation	3,591,000	
Droits et Produits Divers de Douanes	2,833,000	
	<hr/>	163,959,000
Taxe de Consommation des Sels perçue dans le Rayon des Douanes	58,153,000	
	<hr/>	222,112,000

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES PREVUES POUR LE BUDGET DE 1848.	
	Francs.	Francs.
Contributions Indirectes :		
Droits sur les Boissons	103,603,000	
Taxe de Consommation des Sels, perçue hors du Rayon des Douanes	13,346,000	
Droit de Fabrication sur les Sucres Indigènes ..	20,840,000	
Droits Divers et Recettes à différents titres ..	43,310,000	
Produit de la Vente des Tabacs	120,000,000	
Produit de la Vente des Poudres à Feu	6,863,000	
	<hr/>	307,962,000
Produits des Postes :		
Produit de la Taxe des Lettres	46,542,000	
Droit de 2 pour cent sur les Envois d'Argent ..	673 000	
Droits de Transport de Marchandises et de Matières d'Or et d'Argent par les Paquebots	214,000	
Produit des Places dans les Malles-Postes ..	2,059,000	
Produit des Places dans les Paquebots	1,096,000	
Droit de Transit des Correspondances Etrangères	1,108,000	
Recettes Accidentelles	46,000	
	<hr/>	51,788,000
Divers Revenus :		
Produits Universitaires :		
Droits Divers	1,865,100	
Produit des Rentes et Domaines	541,176	
	<hr/>	2,406,276
Produits Eventuels affectés au Service Départe- mental .. .. .	..	18,791,000
Produits et Revenus de l'Algérie .. .. .	..	17,825,000
Produit de la Rente de l'Inde .. .. .	..	1,050,000
Recette des Colonies régies par la Loi du 25 Juin, 1841, (Martinique, Guadeloupe, Guyane Fran- çaise et Bourbon) :		
Recettes affectées au Service Général.. .. .	2,235,855	
Recettes affectées au Service Local	4,747,333	
	<hr/>	6,983,188
Produits Divers du Budget :		
Bénéfice sur la Fabrication des Monnaies et la Vente des Médailles	70,100	
Redevances et Produits Extraordinaires des Mines	397,202	
Droit de Vérification des Poids et Mesures ..	1,010,000	
Produit de la Taxe des Brevets d'Invention ..	550,000	
Solde non employé du Fonds Commun des Chancel- leries Consulaires	24,00	
Ressources Spéciales pour Dépenses des Ecole Normales Primaires	550,000	
Produits Eventuels Départementaux attribués à l'Instruction Primaire	5,000	
Pensions et Rémunérations des Elèves des Ecoles Militaires	835,200	
Recouvrement de Frais d'Entretien d'Elèves à l'Ecole de Cavalerie de Saumur	35,500	

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES	
	PREVUES POUR LE BUDGET DE 1848. <i>Francs.</i>	
Pensions des Elèves de l'Ecole Navale de Brest ..	105,000	
Retenue de 2 pour cent sur la solde des Officiers de l'Armée de Terre	905,400	
Pensions de Marins admis à l'Hôtel des Invalides de la Guerre	48,000	
Retenue de 2 pour cent sur la solde des Officiers de la Garde Municipale et des Sapeurs-Pom- piers de la Ville de Paris	8,600	
Revenus de divers Etablissements spéciaux (Ecoles Vétérinaires, Ecoles des Arts et Métiers, Lazarets et Etablissements Sanitaires) ..	867,875	
Produits provenant des Ministères, et Recettes attri- buées au Trésor Public par l'Ordonnance Royale du 31 Mai, 1838, portant Règlement Général sur la comptabilité publique	1,699,700	
Produits de Vente de Cartes des Dépôts de la Guerre et de la Marine	50,000	
Valeur, au Prix de Revient, fixé par le Budget, des Poudres livrées par le service des Poudres et Salpêtres :		
Au Département de la Guerre	725,980	
Au Département de la Marine	438,912	
Au Département des Finances	3,348,500	
	<hr/>	
	4,508,392	
Ateliers de Condamnés et Pénitenciers Militaires	279,500	
Versements des Compagnies de Chemins de Fer pour Remboursement de Frais divers mis à leur charge	407,900	
Bénéfices réalisés par la Caisse des Dépôts et Consignations pour l'année 1848	2,000,000	
Recouvrements sur prêts faits en 1830 au Commerce et à l'Industrie	150,000	
Versements des Sociétés et Agences Tontinières pour Remboursement de Frais de Surveillance	20,000	
Recettes sur Débets non compris dans l'Actif de l'Administration des Finances	80,000	
Dépôts d'Argent dans les Caisses des Agents des Postes, acquis au Trésor pour cause de Déchéance (Loi du 31 Janvier, 1833) ..	7,800	
Versements des Compagnies de Chemins de Fer, en capital et en intérêts, sur les avances à elles faites par le Trésor	1,582,999	
Fonds à verser par des Départements, des Com- munes et des Particuliers, pour concourir, avec ceux de l'Etat, à l'exécution de Travaux Publics	150,000	
Excédant disponible des Recettes sur les Dépenses du Service de l'Imprimerie Royale ..	233,790	
Produits divers des Maisons Centrales de Force et de Correction	2,500,000	

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES	
	PREVUES POUR	
	LE BUDGET DE 1848.	
	<i>Francs.</i>	<i>Francs</i>
Prix du Bail du Chemin de Fer de Montpellier à Nîmes	308,000	
Recettes de différentes origines	295,442	
		<u>19,685,400</u>
TOTAL des Voies et Moyens Ordinaires de l'Exercice 1848.	<i>Francs</i>	1,370,978,010
Recources Extraordinaires (portion de l'Emprunt autorisé par la Loi du 25 Juin, 1841, applicable aux Travaux Extraordinaires de l'Exercice 1848).. .. .		20,298,500
TOTAL GENERAL des Voies et Moyens de l'Exercice 1848.	<i>Francs</i>	1,391,276,510

Résultat Général du Budget de 1848.

Les Dépenses de	1,446,210,170
Les Recettes de	1,391,276,510
Excédant de Dépense	<i>Francs</i> <u>54,933,660</u>

(Etat D.)—TABLEAU des Recettes affectées, pour l'Exercice 1848, aux Services Spéciaux portés pour Ordre au Budget.

MINISTÈRE DE LA JUSTICE ET DES CULTES.

Légion d'Honneur.

Revenus propres de l'Ordre.. .. .	7,009,098
Pensions et Frais de Trousseaux versés par les Parents des Elèves de la Maison Royale de Saint-Denis	94,000
Fonds Reçus de la Caisse des Dépôts et Consignations à titre d'avances (Article IV de la Loi du 21 Juin, 1845).. .. .	406,000
TOTAL	<i>Francs</i> <u>7,509,098</u>

Imprimerie Royale.

Produits des Impressions Diverses	<u>3,553,000</u>
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MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Chancelleries Consulaires.

Produits d'Actes de Chancellerie et Bénéfices sur le change ..	350,000
Prélèvement à effectuer sur le Fonds Commun des Chancelleries Consulaires, au profit de celles dont les Dépenses excéderont les Recettes (Article V de l'Ordonnance Royale du 23 Août, 1833)	50,000
TOTAL	<i>Francs</i> <u>400,000</u>

DESIGNATION DES PRODUITS. MONTANT DES RECETTES
PREVUES POUR
LE BUDGET DE 1848.

MINISTÈRE DE LA MARINE ET DES COLONIES.

Caisse des Invalides.

	<i>Francs.</i>
Retenues sur les Traitements et Accessoires du Personnel des divers Corps de la Marine et des Colonies	2,130,000
Retenues exercées sur la solde des Officiers Militaires et Civils et Agents de tous grades, en congé	110,000
Retenues sur les Salaires au Commerce	790,000
Décomptes des Déserteurs	20,000
Dépôts provenant de Solde, parts de Prises, etc.	230,000
Dépôts provenant de Naufrages	70,000
Droits sur les Prises	60,000
Dividende des Actions de la Banque de France	85,000
Rentes de 5 pour cent (Immobiliées)	4,809,239
Plus-value des Feuilles de Rôles d'Equipages	35,000
Recettes Diverses	131,761
TOTAL	Francs 8,471,000

MINISTÈRE DES FINANCES.

Service de la Fabrication des Monnaies et Médailles.

Monnaies.

Retenue sur les matières apportées aux Changes des Monnaies, pour Frais de Fabrication. . . .	719,394
Tolérances en faibles sur la Fabrication des Monnaies	50,000
Droit d'Essai sur les Lingots présentés en vérification par le Commerce	100
	769,494

Médailles.

Produit de la vente des Médailles fabriquées depuis l'Ordonnance du 24 Mars, 1832	580,000
Droit de 10 pour cent prélevé sur le prix de la Fabrication des Médailles de Sainteté, Boutons, etc.	1,000
	581,000
TOTAL	Francs 1,350,494

RECAPITULATION.

Ministère de la Justice et des Cultes :					
Légion d'Honneur .. ..	..	..	..	..	7,509,098
Imprimerie Royale .. ..	..	..	..	..	3,553,000
Ministère des Affaires Étrangères :					
Chancelleries Consulaires .. ..	..	..	..	..	400,000

DESIGNATION DES PRODUITS.	MONTANT DES RECETTES	
	PREVUES POUR	
	LE BUDGET DE 1848.	
	<i>Francs.</i>	
Ministère de la Marine et des Colonies :		
Caisse des Invalides	8,471,000	
Ministère des Finances :		
Service de la Fabrication des Monnaies et Médailles ..	1,350,494	
		<hr/>
TOTAL GENERAL	<i>Francs</i>	21,283,592
		<hr/>

Résultat des Recettes et des Dépenses des Services Spéciaux portés pour Ordre au Budget.

	RECETTES.	DEPENSES.
Légion d'Honneur	7,509,098	7,509,098
Imprimerie Royale	8,553,000	8,553,000
Chancelleries Consulaires	400,000	400,000
Caisse des Invalides de la Marine	8,471,000	8,471,000
Service de la Fabrication des Monnaies et Médailles	1,350,494	1,350,494
	<hr/>	<hr/>
TOTAUX	<i>Francs</i>	21,283,592
		<hr/>

(Etat E.)—TABLEAU du Service Départemental, pour l'Exercice 1848. (Exécution de la Loi du 10 Mai, 1838.)

RECAPITULATION.				RESSOURCES.	DEPENSES.
Ministère de l'Intérieur	89,610,050	89,610,050			
Ministère de l'Instruction Publique	4,785,000	4,785,000			
Ministère des Finances.. .. .	574,000	574,000			
	<hr/>	<hr/>			
TOTAUX	<i>Francs</i>	94,969,050		94,969,050	
		<hr/>		<hr/>	

(Etat F.)—TABLEAU du Service Colonial, pour l'Exercice, 1848.

TOTAL RECETTES.	TOTAL DEPENSES.
22,861,175	22,861,175
<hr/>	<hr/>

Certifié conforme :

Le Ministre Secrétaire d'Etat au Département des Finances,

S. DUMON.

**AN ACCOUNT of the Ordinary Revenues and Extraordinary Resources,
AND IRELAND; for the**

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th January, 1849.	2. GROSS RECEIPT.	3. Repayments, Allowances, Discounts, Drawbacks, and Bounties in the nature of Drawbacks, and Allowances for Paper and Furniture to stamp on.	4. NET RECEIPT within the Year, after deducting RE- PAYMENTS &c.	5. TOTAL INCOME, including BALANCES
ORDINARY REVENUES.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Customs	447,115 14 1 ¹	22,043,055 12 9 ¹	215,002 0 9	22,368,803 12 0 ¹	22,715,977 6 2
Excise	245,408 9 8	12,587,071 13 10 ¹	534,573 5 0 ¹	13,065,098 8 10 ¹	13,248,526 18 3 ¹
Stamps	158,430 13 6 ¹	7,231,382 7 5 ¹	218,115 12 3 ¹	7,013,366 15 12	7,168,697 8 8 ¹
Taxes, Land and Assessed Ditto, Income and Property	59,035 1 11 ¹	{ 4,527,580 14 9 ¹ 5,009,576 9 0 ¹	{ 4,070 7 2 ¹ 105,043 2 3 ¹	{ 4,522,910 7 7 ¹ 5,504,833 7 3 ¹	{ 10,146,778 16 9 ¹
Post Office	200,000 14 3 ¹	2,213,140 14 3 ¹	47,700 16 6 ¹	2,165,340 17 9 ¹	2,425,969 12 1
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions .....	...	4,640 12 10	...	4,640 12 10	4,640 12 10
Crown Lands	115,340 10 5 ¹	351,075 13 6 ¹	...	351,075 13 6 ¹	466,416 3 10
Small Branches of the Here- ditary Revenue .....	...	42,342 7 5	...	42,342 7 5	42,342 7 5
Surplus Fees of Regulated Public Offices .....	...	70,022 1 4	...	70,022 1 4	70,022 1 4
TOTALS of Ordinary Revenues	£ 1,283,019 8 7 ¹	56,181,705 7 11 ¹	1,135,294 4 13	57,066,412 5 10 ¹	58,290,431 7 5 ¹
OTHER RESOURCES.					
Money received from the East India Company on account of Retired Pay, Pensions, &c., of Her Ma- jesty's Forces serving in India, per Act 4, Geo. IV, c. 71 .....	...	60,000 0 0	...	60,000 0 0	60,000 0 0
From the Trustees of the King of the Belgians, the amount repaid into the Exchequer for the use of the Consolidated Fund, out of the Annuity granted to Prince Leopold .....	...	34,000 0 0	...	34,000 0 0	34,000 0 0
Imprest Monies repaid by sundry Public Account- ants, and other Monies paid to the Public .....	...	48,340 16 3	...	48,340 16 3	48,340 16 3
Money arising from the sale of Old Stores .....	...	421,036 0 10	...	421,036 0 10	421,036 0 10
Money received from the Bank of England, on account of Unclaimed Di- vidends .....	...	77,594 13 10	...	77,594 13 10	77,594 13 10
TOTALS of the Public Income of the United Kingdom, exclusive of Money raised by sale of Stock	£ 1,283,019 8 7 ¹	58,772,687 8 10 ¹	1,135,294 4 13	58,647,593 19 0 ¹	58,830,413 3 4 ¹
Money received from the sale of 3 per Cent. Consols, in part of £2,000,000, per Act 11 & 12 Vict., c. 125 .....	...	305,687 10 0	...	305,687 10 0	305,687 10 0
TOTALS, including Money raised by sale of Stock	£ 1,283,019 8 7 ¹	59,078,374 13 10 ¹	1,135,294 4 13	58,953,280 9 0 ¹	59,136,100 13 4 ¹

Whitehall, Treasury Chambers, 22nd March, 1850.

constituting the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN
Year ending 5th January, 1850.

Payments out of the Income in its progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.				
CHAR of COLLECTIO	OTHER PAYMENTS.	TOTAL PAYMENTS out of the Income, in its progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1850.	TOTAL DISCHARGE of the INCOME.	RATE per Centum for which the GROSS RECEIPT was Collected.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1,301,717 3 1	325,610 7 8	1,627,327 10 9	30,636,921 0 11	451,718 14 0	22,715,977 0 3	5 15 0½
682,092 6 7	96,000 0 7½	778,092 6 7½	13,065,363 8 3	283,073 3 10	15,248,506 18 3½	5 18 6½
146,991 12 2½	...	146,991 12 2½	6,897,548 5 4	154,257 11 2½	7,108,007 8 8½	2 0 7½
332,324 12 0½	22,042 17 11	354,367 10 11½	{ 4,308,540 7 8 5,608,169 19 0 }	70,901 19 12	10,146,778 16 ½	3 5 3½
1,307,478 2 8	17,084 14 2	1,324,562 16 10	532,000 0 0	289,287 15 8	2,425,950 12 1	80 1 6½
88 0 3	...	88 0 3	4,561 12 7	...	4,640 12 10	...
40,034 12 6 ½	143,982 13 2½	184,016 5 0 ½	100,000 0 0	113,288 18 0 ½	400,416 3 10	14 2 8½
...	...	...	42,342 7 5	...	42,342 7 5	...
...	...	...	70,022 1 4	...	70,022 1 4	...
4,620,736 10 4 ½	606,300 13 2½	5,227,036 4 0 ½	32,310,768 2 6	1,251,027 0 11 ½	58,230,431 7 5½	6 18 4
...	...	...	60,000 0 0	...	60,000 0 0	...
...	...	...	84,000 0 0	...	84,000 0 0	...
...	...	...	48,340 16 3	...	48,340 16 3	...
...	...	...	431,000 0 10	...	431,000 0 10	...
...	...	...	77,504 18 10	...	77,504 18 10	...
4,620,736 10 4 ½	606,300 13 2½	5,227,036 4 0 ½	32,361,748 18 5	1,251,027 0 11 ½	58,330,412 3 4½	...
...	...	...	305,087 10 0	...	305,087 10 0	...
4,620,736 10 4 ½	606,300 13 2½	5,227,036 4 0 ½	32,367,435 8 5	1,251,027 0 11 ½	58,335,000 13 4½	...

W. G. HAYTER.

AN ACCOUNT of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1849.	2. GROSS RECEIPT.	3. Repayments, Allowances, Discounts, Drawbacks and Bounties in the nature of Drawbacks; and Allowances for Paper and Parchment to stamp on.	4. NET RECEIPT within the Year after Deducting RE- PAYMENTS, &c.	5. TOTAL INCOME, including BALANCES.
ORDINARY REVENUES.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Customs	307,303 5 11½	20,801,910 10 0½	210,108 12 2	21,091,741 18 4½	21,090,100 4 4
Excise	188,587 6 2	14,129,179 6 0½	820,080 14 2½	13,990,250 12 0½	13,787,930 18 8½
Stamps	140,848 4 0½	6,608,123 7 8½	108,781 4 7½	6,404,262 2 0½	6,641,100 6 10½
Taxes, Land and Assessed ... } Ditto, Income and Property }	50,035 1 11½	{ 4,327,590 14 0½ 3,000,878 9 0½	{ 4,670 7 2½ 105,043 2 8½	{ 4,322,910 7 7½ 3,501,833 7 8 }	10,140,778 16 0½
Post Office	216,118 11 2	2,028,635 12 1½	44,680 10 8½	1,683,000 1 8½	2,300,117 12 10½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions .....	... ..	4,640 12 10	... ..	4,640 12 10	4,640 12 10
Crown Lands	115,340 10 8½	351,075 12 6½	... ..	351,075 12 6½	400,416 2 10
Small Branches of the Here- ditary Revenue .....	... ..	42,342 7 8	... ..	42,342 7 8	42,342 7 8
Surplus Fees of Regulated Public Offices .....	... ..	63,380 4 8	... ..	63,380 4 8	63,380 4 8
TOTALS of Ordinary Revenues	£ 1,123,287 19 6½	53,811,772 19 8½	1,003,230 11 0	53,718,538 8 3½	53,841,321 7 10½
OTHER RESOURCES.					
Money received from the East India Company, on account of Retired Pay, Pensions, &c., of Her Ma- jesty's Forces serving in India, per Act 4 Geo IV. c. 71 .....	... ..	60,000 0 0	... ..	60,000 0 0	60,000 0 0
From the Trustees of the King of the Belgians, the amount repaid into the Exchequer for the use of the Consolidated Fund, out of the Annuity granted to Prince Leopold .....	... ..	34,000 0 0	... ..	34,000 0 0	34,000 0 0
Imprest Monies repaid by sundry Public Account- ants, and other Monies paid to the Public .....	... ..	44,421 12 0	... ..	44,421 12 0	44,421 12 0
Money arising from the sale of Old Stores .....	... ..	421,086 0 10	... ..	421,086 0 10	421,086 0 10
Money received from the Bank of England on ac- count of Unclaimed Divi- dends .....	... ..	77,504 12 10	... ..	77,504 12 10	77,504 12 10
TOTALS of the Public Income of Great Bri- tain, exclusive of Money raised by sale of Stock	£ 1,123,287 19 6½	54,448,823 11 11½	1,003,230 11 0	54,353,558 0 11½	54,478,574 0 0½
Money received from the sale of 3 per cent. Consols, in part of £2,000,000, per Act 11 & 12 Vict. c. 125 .....	... ..	306,087 10 0	... ..	306,087 10 0	306,087 10 0
TOTALS, including Money raised by sale of Stock	£ 1,123,287 19 6½	54,754,910 11 11½	1,003,230 11 0	54,751,278 10 11½	54,774,661 10

Whitehall, Treasury Chambers, 23rd March, 1850.

the PUBLIC INCOME of GREAT BRITAIN; for the Year ending 5th January, 1850,

Payments out of the Income in its progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.	PAYMENTS	BALANCES and BILLS	TOTAL DISCHARGE	RATE
CHARGES of COLLECTION.	OTHER PAYMENTS.	TOTAL PAYMENTS out of the Income, in its progress to the Exchequer.	into the EXCHEQUER.	outstanding on 5th January, 1850.	of the INCOME.	Per Centum for which the GROSS RECEIPT was Collected.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1,061,334 7 6	303,657 4 0	1,365,031 11 6	18,005,708 19 6	400,534 13 4	30,489,105 4 4	5 6 6½
734,449 16 7	79,981 7 4½	814,331 8 11½	12,754,315 0 0	219,080 14 8½	13,787,826 18 8½	5 2 6½
129,435 17 5½	...	129,435 17 5½	6,365,475 0 3	140,748 3 11	6,641,196 6 10½	1 13 8
332,924 13 0½	23,942 17 11	356,867 10 11½	{ 4,843,440 7 8 5,448,150 19 0 }	79,901 19 13	10,140,774 16 9½	3 8 2½
1,137,000 6 2	17,064 14 2	1,174,145 0 4	806,000 0 0	219,972 13 6½	1,200,117 12 10½	87 0 3½
55 0 8	...	55 0 8	4,561 13 7	...	4,640 12 10	...
40,034 13 6½	143,202 13 3½	183,127 6 9½	100,000 0 0	113,288 18 0½	406,416 3 10	14 3 2½
...	...	...	42,342 7 5	...	42,342 7 5	...
...	...	...	63,380 4 8	...	63,380 4 8	...
2,474,768 13 9½	568,108 16 9½	4,043,937 10 6½	48,603,301 16 8	1,106,402 0 7½	53,541,321 7 10½	6 9 1½
...	...	...	60,000 0 0	...	60,000 0 0	...
...	...	...	34,000 0 0	...	34,000 0 0	...
...	...	...	44,421 13 0	...	44,421 13 0	...
...	...	...	421,036 0 10	...	421,036 0 10	...
...	...	...	77,504 18 10	...	77,504 18 10	...
2,474,768 13 9½	568,108 16 9½	4,043,937 10 6½	49,240,444 9 4	1,106,402 0 7½	54,478,874 0 6½	...
...	...	...	300,087 10 0	...	300,087 10 0	...
2,474,768 13 9½	568,108 16 9½	4,043,937 10 6½	49,540,131 19 4	1,106,402 0 7½	54,974,561 10 6½	...

W. G. HAYTER.

AN ACCOUNT of the Ordinary Revenues and Extraordinary Resources, constitut

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1849.	2. GROSS RECEIPT.	3. RE- PAYMENTS, DRAW- BACKS, DIS- COUNTS, &c.	4. NET RECEIPT within the Year, after de- ducting RE- PAYMENTS, &c.	5. TOTAL INCOME, including BALANCES.
ORDINARY REVENUES.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CUSTOMS	40,750 8 2	2,182,045 2 8	4,923 8 7	2,177,121 8 5	2,220,873 1 10
EXCISE	50,911 8 8	1,408,402 7 1½	4,032 10 9½	1,403,369 16 4	1,400,700 19 7
STAMPS	2,027 9 6	525,240 0 0	19,234 7 7½	518,914 12 4½	527,502 1 10½
Post Office	44,482 8 1½	184,214 2 2	2,105 6 1	181,350 16 1	225,832 19 2½
Surplus Fees of Regulated Public Offices.....	... ..	6,022 17 1	... ..	6,022 17 1	6,022 17 1
TOTALS Of ORDINARY REVENUES. } £	150,731 4 0½	4,510,233 8 7½	22,054 13 1½	4,297,878 16 0½	4,447,000 19 7
OTHER RESOURCES.					
Imprison Money, repaid by sundry Public Account- ants, and other Monies paid to the Public .....	... ..	2,026 8 2	... ..	2,026 8 2	2,026 8 2
TOTALS of the PUBLIC INCOME of IRELAND..... } £	150,731 4 0½	4,512,259 11 10½	22,054 13 1½	4,299,904 18 0½	4,449,026 2 10

Whitehall, Treasury Chambers, 23rd March, 1850.

the PUBLIC INCOME of IRELAND; for the Year ending 5th January, 1850.

Payments out of the Income, in its progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1850.	TOTAL DISCHARGE of the INCOME.	RATE per Centum for which the GROSS RECEIPT was Collected.
CHARGES of COLLECTION.	OTHER PAYMENTS.	TOTAL PAYMENTS out of the Income, in its progress to the Exchequer.				
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
230,423 15 7	19,953 3 8	250,376 19 3	1,041,192 1 8	45,354 1 2	2,226,572 4 10	10 3 04
157,642 10 0	13,187 13 24	170,830 3 24	1,331,546 8 8	38,801 8 14	1,470,700 19 7	11 8 10
17,454 14 6	...	17,454 14 6	502,073 19 1	7,964 8 34	527,503 4 104	8 4 104
150,417 16 6	...	150,417 16 6	20,000 0 0	42,415 2 84	225,832 19 24	51 10 5
...	...	...	6,632 17 1	...	6,632 17 1	...
545,927 16 7	33,140 16 104	584,068 13 54	2,707,276 6 10	150,135 0 84	4,447,909 19 7	13 12 9
...	...	...	3,923 3 3	...	3,923 3 3	...
545,927 16 7	33,140 16 104	584,068 13 54	2,711,204 9 1	150,135 0 84	4,451,536 2 10	—

W. G. HAYTER.

AN ACCOUNT of the TOTAL INCOME of the REVENUE of GREAT BRITAIN
Repayments, Allowances, Discounts, Drawbacks, and Bounties, in the nature
Kingdom, exclusive of the Sums applied to the Reduction of the National

HEADS OF REVENUE.							NET RECEIPT, as stated in Column 4 of the Account of Public Income.						
ORDINARY REVENUES.							£	s.	d.	£	s.	d.	
Balances and Bills outstanding on 5th January, 1849							...	...	...	1,283,019	3	7½
Customs							22,268,863	12	0½				
Excise							15,003,098	8	10½				
Stamps							7,013,266	16	1½				
Taxes, Land and Assessed							4,522,910	7	7½				
Ditto Income and Property							5,564,833	7	3				
Post Office							2,165,349	17	9½				
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions							4,649	12	10				
Crown Lands							351,075	13	6½				
Small Branches of the Hereditary Revenue							42,342	7	5				
Surplus Fees of Regulated Public Offices							70,022	1	4	57,006,412	3	10½	
Deduct Balances and Bills outstanding on 5th January, 1850							...	...	...	58,289,431	7	5½
Total Ordinary Revenue							...	...	£	1,351,627	0	11½
OTHER RESOURCES.										56,937,804	6	6½	
Money received from the East India Company, on account of Retired Pay, Pensions, &c. of Her Majesty's Forces serving in India, per Act 4 Geo. IV, c. 71							60,000	0	0				
From the Trustees of the King of the Belgians, the Amount repaid into the Exchequer for the use of the Consolidated Fund, out of the Annuity granted to Prince Leopold							34,000	0	0				
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public							48,349	16	3				
Money arising from the Sale of Old Stores							421,036	0	10				
Money received from the Bank of England on account of Unclaimed Dividends							77,594	18	10				
										640,980	15	11	
										£	57,578,785	2	5½
Balances and Bills outstanding on 5th January, 1849							...	...	...	1,283,019	3	7½
Ditto ditto 5th January, 1850							...	...	...	1,351,627	0	11½
Excess of Income over Expenditure							...	...	...	68,607	17	3½
Actual Excess of Income over Expenditure							...	...	...	2,098,126	2	1
										£	2,166,733	19	4½

Whitehall, Treasury Chambers, March 23, 1850.

and IRELAND, in the Year ended 5th January, 1850, after deducting the of Drawbacks; together with an Account of the Public Expenditure of the United Debt within the same Period.

EXPENDITURE.			
PAYMENTS OUT OF THE INCOME, IN ITS PROGRESS TO THE EXCHEQUER.		£	s. d.
Charges of Collection	...	4,020,726	10 4 ¹ / ₂
Other Payments	...	606,300	13 8 ¹ / ₂
Total Payments out of the Income, in its progress to the Exchequer	...	4,627,026	4 0 ¹ / ₂
FUNDED DEBT.			
Interest and Management of the Permanent Debt	...	23,991,912	1 11
Terminable Annuities	...	3,725,993	14 11
Total Charge of the Funded Debt, exclusive of the Interest on Donations and Bequests	...	27,717,905	16 10
UNFUNDED DEBT.			
Interest on Exchequer Bills	...	606,025	3 4
Civil List	...	396,600	0 0
Annuities and Pensions for Civil, Naval, Military, and Judicial Services, &c. charged by various Acts of Parliament on the Consolidated Fund	...	464,687	14 8
Salaries and Allowances	...	268,629	6 1
Diplomatic Salaries and Pensions	...	160,833	10 6
Courts of Justice	...	1,105,262	9 6
Miscellaneous Charges on the Consolidated Fund	...	398,852	19 1
Army	...	6,549,108	12 5
Navy	...	6,942,397	6 10
Ordnance	...	2,332,031	8 8
Miscellaneous chargeable on the Annual Grants of Parliament, including £113,542 13s. 4d. for Relief of Destitute Emigrants from Ireland	...	3,911,231	8 5
		28,323,961	0 2
		2,794,892	19 10
		19,734,768	16 4
		65,460	0 4 ¹ / ₂
		2,081,26	2 1 ¹ / ₂
		£ 57,576,785	2 5 ¹ / ₂
Excess of Income over Expenditure	...		

W. G. HAYTER.

AN ACCOUNT of the NET PUBLIC INCOME of the United Kingdom of GREAT
abating the EXPENDITURE thereout defrayed by the several Revenue Depart-
of the Sums applied to the Redemption of Funded, or paying off Unfunded

INCOME OR REVENUE.							TOTAL.		
ORDINARY REVENUE AND RECEIPTS.							£	s.	d.
CUSTOMS	..	..	..	..	..	..	20,636,921	0	11
EXCISE ..	..	..	..	..	..	..	13,985,363	8	3
STAMPS	..	..	..	..	..	..	6,867,548	5	4
TAXES, LAND AND ASSESSED	..	..	..	..	..	..	4,303,849	7	8
PROPERTY TAX	..	..	..	..	..	..	5,408,159	19	0
POST OFFICE..	..	..	..	..	..	..	832,000	0	0
CROWN LANDS	..	..	..	..	..	..	160,000	0	0
One Shilling and Sixpence, and Four Shillings in the } Pound, on Pensions and Salaries .. .. . }	..	..	..	..	..	..	4,561	12	7
Small Branches of the Hereditary Revenues of the } Crown .. .. . }	..	..	..	..	..	..	42,342	7	5
Surplus Fees of Regulated Public Offices	..	..	..	..	..	..	70,022	1	4
							£ 52,310,768	2	6
OTHER RECEIPTS.									
Produce of the Sale of Old Stores	..	..	..	..	..	..	421,036	0	10
Imprest and other Monies	..	..	..	..	..	..	82,349	16	3
Money received from the East India Company	..	..	..	..	..	..	60,000	0	0
Unclaimed Dividends (more than paid)	..	..	..	..	..	..	77,594	18	10
							£ 52,951,748	18	5

Whitehall, Treasury Chambers, February 28, 1850.

BRITAIN and IRELAND, in the Year ended the 5th day of January, 1850, (after
ments), and of the Actual Issues or Payments within the same Period, exclusive
Debt, and of the Advances and Repayments for Local Works, &c.

EXPENDITURE.			
FUNDED DEBT.		£	s. d.
Interest and Management of the } Permanent Debt }		23,991,942	1 11
Terminable Annuities		3,725,993	14 11
Total Charge of the Funded Debt, } exclusive of £10,724 11s. 9d. } the Interest on Donations and } Bequests }		27,717,985	16 10
UNFUNDED DEBT.			
Interest on Exchequer Bills ..		606,025	3 4
Civil List		396,600	0 0
Annuities and Pensions for Civil, } Naval, Military, and Judicial Ser- } vices, &c., charged by various } Acts of Parliament on the Con- } solidated Fund }		464,687	14 8
Salaries and Allowances		268,629	6 1
Diplomatic Salaries and Pensions		160,833	10 6
Courts of Justice		1,105,282	9 6
Miscellaneous Charges on the } Consolidated Fund }		398,859	19 1
Army		6,549,108	12 5
Navy		6,942,397	6 10
Ordnance		2,332,031	8 8
Miscellaneous, chargeable on the } Annual Grants of Parliament, } including £113,542 13s. 4d., for } Relief of Destitute Emigrants } from Ireland }		3,911,231	8 5
		19,734,768	16 4
		£	50,853,622 16 4
Excess of Income over Expenditure		2,098,126	2 1
		£	52,951,748 18 5

W. G. HAYTER.

**AN ACCOUNT of the ACTUAL RECEIPT and EXPENDITURE of the
of the NATIONAL DEBT, in the**

<i>Drs.</i>	THE SAID COMMISSIONERS					
UNITED KINGDOM.	TOTAL Sums received			CAPITAL STOCK placed in the Names of the Commissioners in the Year.		
	£ s. d.			£ s. d.		
ISSUES FROM THE CON- SOLIDATED FUND.						
To Cash, Quarterly Issue, } 10 Geo. 4, c. 27 }	10,849 10 2			11,382 3 0		
To Cash, one year's Inte- } rest on Capitals standing } in the names of the Com- } missioners, on account of } Donations and Bequests, }	10,724 11 9			11,853 7 5		
FROM OTHER SOURCES.						
To Cash, the Be- quest of Nicholas Broughton, of Streatham, de- ceased £50 0 0						
Less Legacy Duty 5 0 0						
	45 0 0			—		
£	21,119 1 11			23,235 10 5		

National Debt Office, January 5, 1850.

Sums placed in the hands of the COMMISSIONERS for the REDUCTION
Year ending 5th January, 1850.

(On account of the Sinking Fund.)

Crs.

	TOTAL Sums paid.			Average Price of Stock.		
	£	s.	d.	£	s.	d.
{ By Cash paid for £11,382 3s. Capital Stock, purchased with the Sinking Fund, at 3 per cent. }	10,349	10	2	90	18	6
{ By Cash paid for £11,853 7s. 5d. Capital Stock, purchased on account of Donations and Be- quests, at 3 per cent. }	10,769	11	9	90	17	1
	£	21,119	1 11			

S. HIGHAM, Comptroller-General.

I

1848—49.]

AN ACCOUNT of the Total Amount of the UNREDEEMED FUNDED DEBT, and created in the Year ended 5th January, 1850; of the Debt and Charge thereof, Debt and the Charge thereof, as it stood on the 5th of January, 1850.

GREAT BRITAIN.		CAPITAL STOCK.		ANNUAL CHARGE thereon.	
		£	s. d.	£	s. d.
On 5th Jan. 1849.	To Unredeemed Capital	732,523,342	2 9½	22,521,241	7 7½
	To Long Annuities, expire 1860.....	...	...	1,247,760	17 5
	To Annuities, 4 Geo. IV, c. 29, ex- pire 1867.....	...	...	535,740	0 0
	To Annuities for a limited term of years, per 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, expire at va- rious periods .....	...	...	869,097	9 2
	To Life Annuities, 48 Geo. III, c. } 142, and subsequent Acts .....	...	...	886,038	18 0
	To Life Annuities, 5, 18 & 19 } Geo. III, and English Tontine Annuities, 29 Geo. III. ....	...	...	17,792	12 6
	To Irish Tontine Annuities, 13 & } 14, 15 & 16, and 19 & 20 Geo. III (Irish Acts), payable in Great Britain .....	...	...	34,230	8 7
	To Management .....	...	...	94,741	7 4
TOTAL DEBT at 5th January, 1849..... £		732 523,342	2 9½	26,256,633	0 7½
DEBT created in the Year 1849.	To Capital transferred from the Funded Debt in Ireland to the Funded Debt in Great Britain, 5 Geo. IV, c. 63	{ 829,830 7 10 1,141,946 5 3 500 0 0	{ 3 per cent. 3½ per cent. 5 per cent.	62,003	8 3
	To Long Annuities transferred from ditto to ditto.....	...	...	257	16 0
	To Capital re-transferred from the Commissioners for the Reduc- tion of the National Debt, the Dividends upon which had re- mained unclaimed 10 years or upwards, the same having been reclaimed by the Proprietors thereof, 56 Geo. III, c. 60	{ 9,477 18 3 6,914 9 8	{ 3 per cent. 3½ per cent.	509	1 1
	To Long Annuities re-transferred from ditto to ditto.....	...	...	11	14 11
	To South Sea Annuities un- claimed 10 years or upwards, re-transferred from ditto to ditto, 7 & 8 Vict. c. 80.....	33 6 8	3 per cent.	1	0 0
	To Annuities for a limited term of years, granted 10 Geo. IV, c. } 24, and 3 Will. IV, c. 14 .....	...	...	1,475	3 0
	To Life Annuities granted 10 } Geo. IV, c. 24, & 3 Will. IV, c. 14 .....	...	...	57,484	14 6
	To Annual Charge on Contribu- tors' Shares, Tontine 1789 increased .....	...	...	182	0 7
	To management increased .....	...	...	184	11 11
	TOTAL DEBT created in 1849	£ 1,988,702	7 8	122,139	5 3
GENERAL TOTAL, Great Britain..... £		734,612,044	10 5½	26,378,772	5 10½

the CHARGE thereof, at the 5th January, 1849; of the Debt and Charge thereof reduced in the course of that Year; and of the Total Amount of the Unredeemed

	CAPITAL STOCK.			ANNUAL CHARGE thereon.		
	£	s.	d.	£	s.	d.
BY Capital purchased with the Sinking Fund	11,382	3	0	3 per cent.	341	9 54
BY ditto purchased on account of Donations and Bequests.....	11,853	7	5	3 per cent.	355	11 114
By the Bequest of Alexander Petrie, of Swanwick, county of Somerset, late Lt.-Col. in the Army, deceased	14,221	8	8	3 per cent.	477	15 3
	1,572	18	6	34 per cent.		
By Capital transferred for the purchase of Life Annuities, including £382,500 Stock, bought with money received for said Annuities	602,634	11	3	3 per cent.	20,263	16 11
	67,225	0	0	34 per cent.		
By ditto transferred for the purchase of Annuities for terms of years, including £7,500 Stock, bought with money received for said Annuities...	17,224	0	0	3 per cent.	620	14 44
	3,200	0	0	34 per cent.		
By ditto transferred to the Commissioners for the Reduction of the National Debt, the Dividends upon which had remained unclaimed 10 years or upwards, 56 Geo. III, c. 60	28,063	7	1	3 per cent.	1,167	4 84
	10,010	8	3	34 per cent.		
By Long Annuities, ditto transferred to ditto, 56 Geo. III, c. 60 .....	...	...	...	...	54	16 4
By Annuities for terms of years, 10 Geo. IV, c. 24, ditto transferred to ditto, 2 and 3 Will. IV, c. 59 .....	...	...	...	...	122	7 10
By Capital purchased with Unclaimed Dividends, 56 Geo. III, c. 60.....	71,900	0	0	3 per cent.	2,157	0 0
By South Sea Capital transferred to the Commissioners, the Dividends upon which had remained Unclaimed 10 years or upwards, 7 & 8 Vict. c. 80	50	0	0	3 per cent.	1	10 0
By Capital purchased with South Sea Unclaimed Dividends, 7 and 8 Vict. c. 80	2,220	1	8	34 per cent.	72	3 0
By ditto transferred to the Commissioners on account of the Redemption of the Land Tax, under Schedules A and B	29,190	2	11	3 per cent.	876	14 04
By ditto transferred from the Funded Debt in Great Britain to the Funded Debt in Ireland, 5 Geo. IV, c. 83	565,720	12	9	3 per cent.	36,335	1 0
	595,797	18	4	34 per cent.		
By Long Annuities transferred from ditto to ditto .....	...	...	...	...	465	0 0
By Life Annuities, anno 1778, and 1779, decreased .....	...	...	...	...	165	0 0
By Life Annuities, 48 Geo. III, c. 142; 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, expired and unclaimed.....	...	...	...	...	42,117	10 0
By Annuities for a limited term of years, 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, expired .....	...	...	...	...	4,337	6 6
Fractions .....	...	...	...	...		84
TOTAL DEBT reduced in 1849.....£	2,032,266	0	10	...	109,930	1 54
Balance due to the Public Creditor, 5th January, 1850.....	732,479,778	9	74	...	26,173,916	5 2
Management .....	...	...	...	...	91,925	19 3
GENERAL TOTAL, Great Britain	734,612,044	10	59	...	26,375,772	5 104

TOTAL AMOUNT OF

IRELAND.		CAPITAL STOCK.			ANNUAL CHARGE thereon.			
		£	s.	d.	£	s.	d.	
On 5th January, 1849.	To Unredeemed Capital ...	41,499,296	9	3	...	1,341,015	7	9
	To Long Annuities, expire 1860.	...	...	...	...	45,817	14	10
	To Annuities for a limited term of years, per 10 Geo. IV, c. 24. ... ..	...	...	...	...	49,750	0	0
	To Tontine Annuities, 13 & 14, 15 & 16, and 19 & 20 Geo. III (Irish Acts), payable in Ireland... ..	...	...	...	...	6,524	2	3
TOTAL DEBT at 5th January, 1849 ... £		41,499,296	9	3		1,443,107	4	10
DEBT created in the Year 1849.	To Capital transferred from the Funded Debt in Great Britain to the Funded Debt in Ireland, 5 Geo. IV, c. 53	565,720	13	9	3 per cent.	36,335	1	0
		595,797	18	4	3½ per cent.			
	To Long Annuities transferred from ditto to ditto ... ..	...	...	...	...	465	0	0
TOTAL DEBT created in 1849 £		1,161,518	12	1	...	36,800	1	0
GENERAL TOTAL, Ireland... .. £		42,660,815	1	4	...	1,479,907	5	10

SUMMARY:

					DEBT.			CHARGE.			
					£	s.	d.	£	s.	d.	
TOTAL UNREDEEMED DEBT, on 5th January, 1849.		}	GREAT BRITAIN	...	...	732,523,842	2	9½	26,256,633	0	7½
			IRELAND	...	...	41,499,296	9	3	1,443,107	4	10
			£	774,022,638	12	0½	27,699,740	5	5½		
DEBT created in the Year 1849.		}	GREAT BRITAIN	...	...	1,988,702	7	8	122,139	5	3
			IRELAND	...	...	1,161,518	12	1	36,800	1	0
			£	3,150,220	19	9	158,939	6	3		
TOTAL		£	777,172,859	11	9½	27,858,679	11	8½

AN ACCOUNT of the State of the PUBLIC FUNDED DEBT of GREAT

DEBT.

	CAPITALS.	CAPITALS Transferred to and standing in the names of the Commissioners.	CAPITALS Unredeemed.
	£ s. d.	£ s. d.	£ s. d.
GREAT BRITAIN.			
Debt due to the South Sea } at 3 per Company } cent.	3,662,784 8 6½	... ..	3,662,784 8 6½
Old South Sea Annuities ditto	3,204,578 9 10	9,384 5 5	3,195,194 4 5
New South Sea Annuities ditto	2,203,784 9 5	8,114 2 8	2,195,670 6 9
South Sea Annuities, 1751... .. ditto	498,000 0 0	3,219 8 3	494,780 11 9
Debt due to the Bank } of England } ... ditto	11,015,100 0 0	... ..	11,015,100 0 0
Bank Annuities, 1726 ditto	745,892 18 7	931 2 7	744,961 16 0
Consolidated Annuities ditto	375,124,004 10 8½	908,801 10 1	374,215,203 0 7½
Reduced Annuities ditto	122,544,022 1 1	1,267,560 0 4	121,276,462 0 9
TOTAL at 3 per cent. £	518,998,166 18 1½	2,198,010 9 4	516,800,156 8 9½
Annunities at 3½ per cent.	215,617,298 8 9	367,627 16 1	215,249,670 12 8
New 5 per cent. Annunities... ..	430,576 8 2	624 15 0	429,951 8 2
TOTAL, GREAT BRITAIN £	735,046,041 10 0½	2,566,263 0 5	732,479,778 9 7½
IRELAND.			
Irish Consolidated Annuities, { at 3 per cent.	5,361,597 15 11	... ..	5,361,597 15 11
Irish Reduced Annuities ditto	115,475 1 2	... ..	115,475 1 2
Annunities at 3½ per cent... ..	32,577,522 15 4	... ..	32,577,522 15 4
Debt due to the Bank of Ireland, } at 3½ per cent. } ...	2,630,769 4 8	... ..	2,630,769 4 8
New 5 per cent. Annunities... ..	3,173 11 2	... ..	3,173 11 2
TOTAL, IRELAND £	40,688,538 8 3	... ..	40,688,538 8 3
TOTAL, UNITED KINGDOM, } on 5th January, 1850... .. } ...£	775,734,579 18 8½	2,566,263 0 5	773,168,316 17 10½

BRITAIN and IRELAND, and the Charge thereupon, at 5th of January, 1850.

CHARGE.

		IN GREAT BRITAIN.	IN IRELAND.	TOTAL ANNUAL CHARGE OF UNREDEEMED DEBT.
		£ s. d.	£ s. d.	£ s. d.
Due to the Public Creditor.	Annual Interest on Unredeemed Capital	22,521,116 11 2	1,315,317 5 6	
	Long Annuities, expire 1860 ...	1,247,500 12 0	16,024 15 10	
	Annuities per 4 Geo. IV, c. 22, } expire 1867... ..	585,740 0 0		
	Annuities for a limited term of Years, per 59 Geo. III, c. 34, 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, which expire at various periods, viz:			
	Granted up to } Jan. 5, 1850 } 1,692,432 2 0			
	Deduct ex- pired and unclaimed up to ditto, including £106,101, Waterloo Annuities, 59 Geo. III, c. 34	776,669 4 2		
		£915,862 17 10	viz. 866,112 17 10	49,750 0 0
	Life Annuities, per 48 Geo. III, c. 142, 10 Geo. IV, c. 24, and 3 Will. IV, c. 14, viz:			
	Granted up to Jan. 5, 1850	22,394,261 8 6		
	Deduct expired and un- claimed up to ditto ...	1,392,855 6 0		
Payable at the National Debt Office.		901,406 2 6		
	Fontine and other } English Life Annuities, } per various Acts } Irish ...	17,809 13 1		
		34,230 8 7	6,524 2 3	
		£ 26,173,916 5 2	1,417,616 6 7	
	Management... ..	94,925 19 3		
TOTAL ANNUAL CHARGE, exclusive of £50,032 10s. 7½d., the Annual Charge on Capitals and Long Annuities and Annuities for Terms of Years, per 10 Geo. IV, c. 24, standing in the Names of the Commissioners on account of Stock Unclaimed 10 Years or upwards, and of Unclaimed Dividends, and also on account of Donations and Bequests		26,268,842 4 5	1,417,616 6 7	27,686,458 11 0

Continued.

AN ACCOUNT of the State of

ABSTRACT.

	CAPITALS.	CAPITALS Transferred to and Standing in the Names of the Commissioners.	CAPITALS UNREDEEMED.
	£ s. d.	£ s. d.	£ s. d.
GREAT BRITAIN }	735,046,041 10 0 $\frac{1}{4}$	2,566,263 0 5	732,479,778 9 7 $\frac{1}{4}$
IRELAND	40,688,538 8 3	- - - -	40,688,538 8 3
TOTAL United Kingdom on 5th January, 1850 }	775,734,579 18 3 $\frac{1}{4}$	2,566,263 0 5 (a)	773,168,316 17 10 $\frac{3}{4}$

	£ s. d.
(a) On account of Donations and Bequests	378,165 0 7
Ditto of Stock Unclaimed 10 { Bank ..	473,568 0 1
years or upwards .. { South Sea ..	20,717 16 4
Ditto of Unclaimed Dividends { Bank ..	1,648,490 0 0
{ South Sea ..	45,322 3 5
	<u>£2,566,263 0 5</u>

The Act 10 Geo. IV, c. 27, which came into operation at the 5th July, 1829, enacts, That the Sum thenceforth annually applicable to the Reduction of the National Debt of the United Kingdom shall be the sum which shall appear to be the amount of the whole actual annual surplus Revenue, beyond the expenditure of the said United Kingdom; and the following Sums have been accordingly received by the Commissioners, for the Reduction of the National Debt, including Sums on account of Donations and Bequests, viz. :

National Debt Office. January 5, 1850.

the PUBLIC FUNDED DEBT—*continued.*

ANNUAL CHARGE OF UNREDEEMED DEBT.

Due to the Public Creditor.	MANAGEMENT.	TOTAL.
£ s. d.	£ s. d.	£ s. d.
26,173,916 5 2	94,925 19 3	26,268,842 4 5
1,417,616 6 7	- - - -	1,417,616 6 7
27,591,532 11 9	94,925 19 3	27,686,458 11 0

DEFERRED ANNUITIES OUTSTANDING ON 5TH JANUARY, 1850.

	£ s. d.
Deferred Life Annuities, per 10 Geo. IV, c. 24, and 3 Will. IV, c. 14	26,799 3 6
Deferred Annuities for Terms of Years, per ditto ..	1,230 11 6
	<u>£28,029 15 0</u>

APPLICABLE BETWEEN,	ON ACCOUNT OF	
	The Sinking Fund.	Donations and Bequests.
	£ s. d.	£ s. d.
5th April and 5th July, 1849	- - -	1,748 9 3
5th July and 10th October, 1849	- - -	3,615 1 0
10th October, 1849 and 5th Jan., 1850	10,349 10 2	1,791 0 6
5th January and 5th April, 1850	302,961 6 3	3,787 3 7
	<u>£313,310 16 5</u>	<u>10,941 14 4</u>

S. HIGHAM, Comptroller-General.

**AN ACCOUNT OF THE UNFUNDED DEBT OF GREAT BRITAIN
AND IRELAND ;**

And of the Demands outstanding on the 5th January, 1850;

Distinguished under the following heads; viz.—Exchequer Bills; Sums remaining unpaid, charged upon the Aids granted by Parliament, and the Exchequer Bills to be issued out of the Consolidated Fund; and distinguishing also such part of the Unfunded Debt and Demands as have been provided for by Parliament; together with an ACCOUNT of the WAYS and MEANS remaining in the Exchequer, or to be received on the 5th January, 1850, to defray such part of the Unfunded Debt and Demands as have been provided for.

	PROVIDED.	UNPROVIDED.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
Exchequer Bills .....	.. ..	17,758,700 0 0	17,758,700 0 0
Sums remaining un- paid charged upon Aids granted by Parliament	7,110,860 15 11	.. ..	7,110,360 15 11
Total Unfunded Debt, and Demands out- standing	7,110,360 15 11	17,758,700 0 0	24,869,060 15 11
WAYS AND MEANS	7,189,869 7 11		
SURPLUS OF WAYS AND MEANS.....	79,508 12 0		
Deduct the Amount of Exchequer Bills paid off out of Ways and Means, Money Grants, but which it is not proposed to replace by the issue of Exchequer Bills	3,500 0 0		
Surplus of Ways and Means remaining at the disposal of Par- liament	76,008 12 0		
EXCHEQUER BILLS to be issued to com- plete the charge upon the Consoli- dated Fund .....	.. ..	NIL.	NIL.

TRADE OF IRELAND WITH FOREIGN PARTS.

AN ACCOUNT of the Value of the IMPORTS into, and of the EXPORTS from, IRELAND, during each of the Three Years ending 5th January, 1850 (calculated at the Official Rates of Valuation, and stated exclusively of the Trade with GREAT BRITAIN): distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported from the Value of Foreign and Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from IRELAND, according to the Real or Declared Value thereof.

YEARS ending 5th January	VALUE of Imports into Ireland, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM IRELAND, Calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom exported from Ireland, according to the Real or Declared Value thereof.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
	£	£	£	£	£
1848	8,034,895	250,856	36,816	287,672	232,221
1849	4,293,978	286,726	8,087	294,813	233,899
1850	6,031,569	264,050	4,561	268,611	276,088

Inspector General's Office, Custom House, London,
March 22, 1850. WILLIAM IRVING,
Inspector General of Imports and Exports.

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE that were Built and Registered in the several Ports of the BRITISH EMPIRE in the Years ending the 5th January, 1848, 1849, and 1850, respectively.

	IN THE YEARS ENDING THE 5TH JANUARY,					
	1848.		1849.		1850.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	938	145,834	847	122,552	730	117,953
Iales of Guernsey, Jersey, and Man..... }	48	4,090	31	3,388	41	3,813
British Plantations	756	155,313	655	101,988	608	109,518
TOTAL	1,737	305,237	1,533	227,928	1,379	230,784

Note.—The Account rendered for the Plantations for the year ending 5th January, 1848, is now corrected; and as several Returns for that part of the Empire are not yet received for the last year, a similar correction will be necessary when the next Account is made up.

Custom House, London, } W. H. NOSS,
March 22, 1850. } Registrar-General of Shipping.

NAVIGATION OF THE UNITED KINGDOM—*continued.*

VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 31st December, 1847, 1848, and 1849 respectively.

	On 31st December, 1847.			On 31st December, 1848.			On 31st December, 1849.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom	24,400	3,254,353	153,275	24,533	3,344,764	155,926	25,071	3,427,140	158,000
Iles of Guernsey, Jersey, and Man	791	53,568	5,706	806	56,045	5,861	831	58,816	5,941
British Plantations	7,788	644,008	43,906	8,094	661,351	44,302	8,188	668,157	45,071
TOTAL	32,979	3,952,529	203,000	33,427	4,062,160	206,089	34,090	4,144,113	207,971

Custom House, London, }
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the number of MEN and BOYS employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards at the several Ports of the UNITED KINGDOM from and to Foreign Parts, during each of the Three Years ending 5th January, 1850.

YEARS ending 5th January.	SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM, From Foreign Parts.								
	British and Irish Vessels.			Foreign Vessels.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	14,017	4,942,094	252,808	14,789	2,353,680	118,526	28,806	7,195,033	371,134
1849	11,783	4,555,533	233,032	13,100	1,960,413	193,332	24,883	6,525,945	337,404
1850	23,646	4,954,310	245,713	13,426	2,635,600	160,670	37,072	6,919,000	352,392

YEARS ending 5th January.	SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, To Foreign Parts.								
	British and Irish Vessels.			Foreign Vessels.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	22,030	4,770,370	249,818	15,350	2,312,793	119,464	37,325	7,083,163	369,282
1849	21,177	4,724,027	244,971	13,645	2,056,654	106,923	34,822	6,750,681	351,795
1850	22,323	4,735,423	248,023	15,273	2,200,000	130,033	37,603	7,064,483	368,063

Custom House, London, }
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

NAVIGATION OF GREAT BRITAIN.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of the BRITISH EMPIRE (except IRELAND), in the Years ending 5th January, 1848, 1849, and 1850 respectively.

	IN THE YEARS ENDING 5TH JANUARY,					
	1848.		1849.		1850.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
England	742	112,206	658	92,394	570	91,683
Scotland	161	30,744	156	27,728	135	24,123
Isle of Guernsey	4	469	3	415	4	491
—— Jersey	23	2,223	13	1,968	17	1,920
—— Man	21	1,398	15	1,005	20	902
British Plantations..	756	155,313	655	101,988	608	109,518
TOTAL	1,707	302,353	1,500	225,498	1,354	228,637

Note.—The Account rendered for the Plantations for the Year ending 5th January, 1849, is now corrected; and as several Returns for that part of the Empire are not yet received for the last Year a similar correction will be necessary when the next Account is made up.

Custom House, London, March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

VESSELS REGISTERED.

AN ACCOUNT of the Number of Vessels, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE (except Ireland), on the 31st December, 1847, 1848, and 1849, respectively.

	On the 31st December, 1847.			On the 31st December, 1848.			On the 31st December, 1849.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
England	18,485	2,476,531	138,008	18,794	2,652,874	140,005	19,061	2,636,625	141,853
Scotland	3,655	512,306	30,643	3,691	522,148	31,009	3,677	522,773	30,456
Isle of Guernsey	129	14,084	952	142	15,474	1,032	141	16,013	1,031
—— Jersey	325	29,714	2,856	324	30,569	2,723	340	32,056	2,949
—— Man	334	9,770	1,898	340	10,002	1,896	350	10,749	1,961
British Plantations...	7,796	644,603	43,906	8,034	651,351	44,592	8,168	656,157	45,071
Total	30,629	3,686,968	218,353	31,225	3,782,418	221,347	31,757	3,876,423	223,331

Custom House, London, March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

NAVIGATION OF IRELAND.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of IRELAND, in the Years ending 5th January, 1848, 1849, and 1850, respectively.

	VESSELS.	TONNAGE.
Year ending 5th January, 1848.....	30	2,884
" 1849.....	33	2,430
" 1850.....	25	2,147

Custom House, London,
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of IRELAND, on the 31st December, 1847, 1848, and 1849, respectively.

	VESSELS.	TONNAGE.	MEN.
On the 31st December, 1847	2,319	265,556	14,538
" 1848	2,347	269,742	14,722
" 1849	2,333	267,682	14,590

Custom House, London,
March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

NAVIGATION OF IRELAND—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and Boys employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards at the several Ports of IRELAND, from and to all Parts of the World, during each of the Three Years ending 5th January, 1850 :—Also, showing the Number and Tonnage of Shipping entered Inwards and cleared Outwards during the same Period, exclusive of the Intercourse with GREAT BRITAIN.

SHIPPING ENTERED INWARDS IN IRELAND,
From all Parts of the World.

YEARS ending 5th January,	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	12,620	2,303,075	131,420	1,153	240,288	10,913	20,773	2,633,363	142,333
1849	20,338	2,460,247	133,608	802	110,157	5,526	20,940	2,570,404	139,134
1850	10,683	2,433,523	128,307	700	146,427	7,240	20,453	2,582,949	135,547

SHIPPING ENTERED INWARDS IN IRELAND,
From all Parts (except Great Britain).

YEARS ending 5th January,	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	2,100	306,087	13,124	1,153	240,288	10,913	3,253	632,355	29,037
1849	1,343	284,194	12,640	802	110,157	5,526	1,944	394,351	18,166
1850	1,077	317,707	13,743	700	146,427	7,240	2,446	464,134	20,983

SHIPPING CLEARED OUTWARDS FROM IRELAND,
To all Parts of the World.

YEARS ending 5th January,	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	10,110	1,678,414	96,502	904	198,923	8,006	11,014	1,877,337	104,507
1849	10,506	1,720,296	98,507	437	78,863	4,021	10,943	1,799,159	97,528
1850	9,908	1,780,951	96,974	670	124,362	6,268	10,608	1,904,313	103,242

SHIPPING CLEARED OUTWARDS FROM IRELAND,
To all Parts (except Great Britain).

YEARS ending 5th January,	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1848	1,883	300,373	16,764	904	198,923	8,006	2,787	559,106	25,750
1849	617	231,840	9,943	437	78,863	4,021	1,254	310,703	13,964
1850	916	236,071	10,352	670	124,362	6,268	1,586	360,433	16,620

Custom House, London, March 22, 1850.

W. H. NOSS,
Registrar-General of Shipping.

[1848—49.]

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*CORRESPONDENCE relative to the conclusion of the Preliminaries of Peace and the Convention of Armistice between Denmark and Prussia, of July 10, 1849.—July, 1849.**

No. 1.—The Earl of Westmorland to Visc^t. Palmerston.—(Rec. July 11.)
(Extract.) *Berlin, July 8, 1849.*

I HAVE the satisfaction of announcing to your Lordship that, at a conference held this morning at my house, all the Articles of the Preliminaries of Peace between Prussia and Denmark, and of the Armistice, have been gone through and agreed to, and signed with the initials of the 2 Plenipotentiaries, Baron Schleinitz and M. de Reedtz.

These documents will be drawn up and translated from the French into German and Danish, and the formal signature will take place at my house on Tuesday next.

Viscount Palmerston, G.C.B.

WESTMORLAND.

No. 2.—The Earl of Westmorland to Visc^t. Palmerston.—(Rec. July 13.)
(Extract.) *Berlin, July 10, 1849.*

I HAVE the honour of forwarding to your Lordship the Preliminaries of Peace between Prussia and Denmark, and the Armistice which I reported to your Lordship in my despatch of the 8th July, had been initiated by the 2 Plenipotentiaries, M. de Schleinitz and M. de Reedtz, and which have this day at my house been formally drawn up and signed by them.

Viscount Palmerston, G.C.B.

WESTMORLAND.

No. 3.—Sir Henry Wynn to Viscount Palmerston.—(Rec. July 23.)
MY LORD, *Copenhagen, July 19, 1849.*

I HAVE the honour to inclose a copy of a note I have received from Count Moltke, covering copies of the late Conventions signed at Berlin, and expressing his hopes that Her Majesty's Government would continue their good offices for the attainment of a permanent peace.

I have, &c.

Viscount Palmerston, G.C.B.

H. W. WILLIAMS WYNN.

(Inclosure.)—Count Moltke to Sir Henry Wynn.

M. LE CHEVALIER,

J'AI l'honneur de vous prévenir que le 10 de ce mois ont été signé à Berlin une Convention d'Armistice entre le Danemarc et la Prusse, et les préliminaires d'une paix définitive entre le Danemarc et l'Allemagne.

Les 2 Conventions ont été ratifiées hier par Sa Majesté le Roi mon auguste maître, et les ratifications royales ont immédiatement été

* Laid before Parliament, 1849.

expédiées pour Berlin, afin d'y être échangées dans le plus bref délai possible contre celle de Sa Majesté le Roi de Prusse.

Je remplis un devoir, M. le Chevalier, en vous réitérant mes sincères remerciements pour la part active que vous n'avez cessé de prendre aux négociations qui ont précédé la conclusion des 2 Conventions signées en dernier lieu à Berlin.

Le Roi aime à apprécier vos efforts, et Sa Majesté m'a chargé d'avoir l'honneur de vous en exprimer ici sa haute satisfaction.

Je m'empresse de vous transmettre sous ce pli une copie confidentielle des 2 Conventions, que je vous prie de porter à la connaissance de votre Gouvernement, qui je n'en doute pas trouvera, dans les nouveaux et grands sacrifices que le Danemark a faits dans l'intérêt du rétablissement de la tranquillité du Nord, et du commerce des Puissances amies et alliées, un motif de plus pour appuyer notre juste cause et pour nous conserver un concours si nécessaire pour assurer un résultat satisfaisant aux négociations définitives de paix qui vont incessamment s'ouvrir à Londres.

Je saisis, &c.

A. MOLTKE.

No. 4.—The Earl of Westmorland to Visct. Palmerston.—(Rec. July 23.)
(Extract.) *Berlin, July 19, 1849.*

I HAVE the honour of transmitting the legalized copy of the Protocol containing the Preliminary Articles of Peace, and of the Armistice, as they have been signed by the Prussian and Danish Plenipotentiaries and ratified by the King of Prussia.

Viscount Palmerston, G.C.B.

WESTMORLAND.

(Inclosure 1.)—Preliminaries of Peace between Denmark and Prussia, signed at Berlin, July 10, 1849.

PROTOCOLE.

LES Soussignés, Plénipotentiaires nommés respectivement par Sa Majesté le Roi de Danemark et Sa Majesté le Roi de Prusse, à l'effet de poser les bases d'une paix définitive destinée à aplanir le différend qui s'est élevé entre eux sur les rapports du Duché de Slesvig, sont convenus, avec le concours du Comte de Westmorland, Ministre de Sa Majesté Britannique à Berlin, comme Représentant de la Puissance médiatrice, des Articles Préliminaires de Paix suivants :

ART. I. Le Duché de Slesvig aura une Constitution séparée pour ce qui regarde sa législature et son administration intérieure, sans être uni au Duché de Holstein, et laissant intacte l'union politique qui rattache le Duché de Slesvig à la Couronne Danoise.

II. L'organisation définitive du Duché de Slesvig résultant de cette base, fera l'objet de négociations ultérieures, auxquelles les Hautes Parties Contractantes inviteront la Grande Bretagne à prendre part en qualité de Puissance médiatrice.

III. Les Duchés de Holstein et de Lauenbourg continueront à faire partie de la Confédération Germanique.

Le règlement définitif de la position que ces duchés occuperont dans le susdit corps politique, par suite des changements qui vont s'opérer dans la constitution de l'Allemagne, est réservé à une entente ultérieure entre les Hautes Parties Contractantes.

L'un des objets de cette entente sera de maintenir autant que le comportent le principe consacré par l'Article I de la présente Convention, et la position future du Duché de Holstein vis-à-vis des autres Etats Allemands, les liens non-politiques des intérêts matériels qui ont subsisté entre les Duchés de Holstein et de Slesvig.

Sa Majesté le Roi de Danemarck, Duc de Holstein, accordera à ce duché dans le plus bref délai possible, une Constitution Représentative.

IV. Il est entendu que les stipulations renfermées dans les Articles précédents ne préjugeront en aucune manière la question de la succession dans les Etats réunis sous le sceptre de Sa Majesté Danoise, ni les droits éventuels de qui que ce soit.

Afin de prévenir les complications qui pourraient résulter des doutes soulevés relativement à l'ordre de succession, sa dite Majesté, aussitôt après la paix définitive, prendra l'initiative de propositions tendantes à régler cet ordre de succession d'un commun accord avec les Grandes Puissances.

V. Les Hautes Parties Contractantes conviennent de réclamer la garantie des Grandes Puissances pour la stricte exécution de la paix définitive relativement au Duché de Slesvig.

Le présent Protocole, expédié en double, sera revêtu de l'approbation de Sa Majesté le Roi de Danemarck et de Sa Majesté le Roi de Prusse, et les 2 exemplaires ainsi approuvés respectivement, seront échangés à Berlin dans l'espace de 8 jours, ou plus tôt si faire se peut, à compter du jour de la signature, après quoi communication de ce Protocole sera faite de part et d'autre à Sa Majesté la Reine de la Grande Bretagne.

En foi de quoi les Plénipotentiaires ont signé ce Protocole, et y ont apposé le sceau de leurs armes.

Fait à Berlin, ce 10 Juillet, l'an 1849.

(L.S.) REEDTZ.

(L.S.) SCHLEINITZ.

(Inclosure 2.)—*Convention of Armistice between Prussia and Denmark, concluded at Berlin, July 10, 1849.*

LA signature des Préliminaires de la Paix entre Sa Majesté le Roi de Danemarck d'une part et Sa Majesté le Roi de Prusse de l'autre, ayant eu lieu ce jour, leurs dites Majestés ayant vivement à cœur de mettre dès à présent un terme aux calamités de la guerre et à l'effusion du sang, et croyant en outre devoir prendre par rapport au Duché

de Slesvig, des mesures propres à y préparer les voies à une pacification définitive et durable, en conformité du principe établi par l'Article I des susdits Préliminaires, ont résolu de conclure dans ce double but, une Convention d'Armistice, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Danemarck, le Sieur Holger Christian de Reedtz, son Chambellan, Commandeur de son Ordre du Danebrog avec la Croix d'Argent du même ordre, Commandant de l'Ordre Royal de l'Etoile Polaire de Suède, de celui de la Légion d'Honneur de France, et de celui de Léopold de Belgique ;

Et Sa Majesté le Roi de Prusse, le Sieur Alexandre Gustave Adolphe Baron de Schleinitz, son Chambellan, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre, son Altesse Royale le Grand Duc d'Oldenbourg, son Altesse le Duc de Brunswick, son Altesse le Prince de la Schaumbourg-Lippe, Chevalier des Ordres Prussiens de St. Jean de Jérusalem et de l'Aigle Rouge, 3ème classe, décoré du Nichan Iftihar ;

Lesquels, avec le concours du Comte de Westmorland, Ministre de Sa Majesté Britannique à Berlin, comme Représentant de la Puissance médiatrice, et après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les Articles suivants :

ART. I. A dater du jour de l'échange des ratifications de la présente Convention, il y aura une suspension complète des hostilités par terre et par mer pendant 6 mois, et au-delà de ce terme, jusqu'à l'expiration de 6 semaines après que l'Armistice aurait été dénoncé de part ou d'autre.

Si le présent Armistice était dédit, les troupes Prussiennes et Allemandes pourront occuper la partie continentale du Duché de Slesvig, laquelle, dans ce cas, serait évacuée par les troupes neutres qui d'après l'Article V pourraient s'y trouver encore.

II. Sa Majesté le Roi de Prusse fera transmettre au Général, commandant-en-chef l'Armée Prussienne et Allemande réunie dans le Jutland et dans les Duchés de Slesvig et de Holstein, l'ordre d'évacuer le Jutland, et de prendre, dans l'espace de 25 jours, les positions indiquées dans les Articles III et V.

III. Le Général-en-Chef des troupes Danoises et celui des troupes Prussiennes et Allemandes nommeront des officiers Danois et Prussiens, lesquels, dans le but de fixer la délimitation des territoires à occuper respectivement par les troupes Prussiennes et neutres, tireront et consigneront sur une carte une ligne de démarcation à partir d'un point sur la côte près et au sud-est de la ville de Flensbourg, jusqu'à un point sur la côte et au nord-ouest de la ville de Tondern, laissant la première de ces villes, ainsi que les enclaves Jutlandaises au nord, et la ville de Tondern au sud de la dite ligne de démarcation.

IV. Sa Majesté le Roi de Prusse pourra conserver, pendant la

durée de l'Armistice, dans le Duché de Slesvig et au midi de la susdite ligne de démarcation, un corps d'armée dont la force n'excédera pas 6,000 hommes. Sa Majesté le Roi de Danemarque pourra continuer d'occuper militairement les Iles d'Als et d'Arroe.

V. Ces troupes Danoises et Prussiennes seront les seules forces militaires qui pourront rester dans le Duché de Slesvig pendant la durée de l'Armistice, à l'exception d'un corps de troupes neutres dont la force n'excédera pas 2,000 hommes et qui occupera la partie continentale du Duché de Slesvig située au nord de la ligne de démarcation.

L'entretien et la solde des dites troupes neutres seront à la charge de Sa Majesté Danoise.

Les Hautes Parties Contractantes inviteront Sa Majesté le Roi de Suède et de Norvège à vouloir bien fournir ce corps de troupes neutres.

Il ne sera pas mis de part ou d'autre, de garnison dans les enclaves Jutlandaises dans le Duché de Slesvig pendant la durée de l'Armistice.

VI. En même temps que les troupes, réunies sous les ordres du Général Commandant-en-Chef l'armée Prussienne et Allemande, prendront les positions désignées dans l'Article III, Sa Majesté le Roi de Danemarque fera lever les blocus des ports Prussiens et Allemands établis par ses forces navales.

Les ordres relatifs à l'exécution des Articles précédents seront expédiés le même jour aux généraux et officiers commandants les armées et les forces navales respectives.

VII. Tous les bâtiments marchands qui ont été amenés de part ou d'autre, depuis le commencement des hostilités, seront rendus, ainsi que leurs cargaisons, immédiatement après la levée du blocus. Quant aux bâtiments ou aux cargaisons qui auraient été vendus, leur valeur sera restituée.

En revanche Sa Majesté le Roi de Prusse s'engage à restituer et à faire restituer les contributions en argent prélevées dans le Jutland par les troupes Prussiennes et Allemandes, ainsi que la valeur des chevaux requis militairement pour l'usage de l'armée Prussienne et Allemande, sans avoir été rendue depuis à qui de droit. L'approvisionnement et le logement des dites troupes, ainsi que les fourrages qui leur ont été fournis, demeureront à la charge du pays.

Afin de régler ce remboursement, un Commissaire nommé par Sa Majesté le Roi de Danemarque, et un Commissaire nommé par Sa Majesté le Roi de Prusse, se réuniront sur les lieux 6 semaines après l'échange des ratifications de la présente Convention.

Ces Commissaires régleront cette affaire dans l'espace de 4 semaines, et si à l'expiration de ce terme il y avait encore des réclamations contestées à l'égard desquelles ils n'auraient pas pu

tomber d'accord, ces réclamations seront soumises à la décision définitive d'un arbitre que les Hautes Parties Contractantes inviteront le Gouvernement de Sa Majesté Britannique à vouloir bien désigner.

Le montant des différentes compensations sera remboursé au plus tard 6 mois à compter du jour de l'échange des ratifications de la présente Convention.

VIII. Tous les prisonniers de guerre et politiques seront mis en liberté de part et d'autre sans restrictions. L'échange des prisonniers sera effectué à Flensbourg tout au plus tard 25 jours après l'échange des ratifications de la présente Convention.

IX. Sa Majesté le Roi de Prusse invitera tous les Gouvernements qui ont pris une part active à la guerre actuelle contre le Danemarck, à déclarer, aussi promptement que possible, leur accession à la présente Convention, dont les stipulations deviendront par là obligatoires pour eux, en même temps qu'elles recevront leur pleine application pour ce qui les concerne.

X. Il sera établi, pour la totalité du Duché de Slesvig, une Commission Administrative (*Landes-Verwaltung*), qui, pendant la durée de l'armistice gouvernera ce pays au nom de Sa Majesté le Roi de Danemarck.

Elle sera composée de 2 membres, dont l'un sera choisi par Sa Majesté le Roi de Danemarck, et l'autre par Sa Majesté le Roi de Prusse, aux quels sera adjoint un commissaire que Sa Majesté la Reine de la Grande Bretagne sera invitée à nommer pour décider, en qualité d'arbitre, en cas de diversité d'opinions entre les 2 autres membres.

Les fonctions de cette Commission seront d'administrer le Duché de Slesvig conformément aux lois en vigueur et d'y maintenir l'ordre et la tranquillité. Elle sera investie, dans ce but, de toute l'autorité nécessaire, à l'exception toutefois du pouvoir législatif, qui restera suspendu pendant la durée de l'armistice.

Quant aux lois, ordonnances, et mesures administratives quelconques émanées pour le Duché de Slesvig depuis le 17 Mars, 1848, la dite Commission aura la faculté d'examiner et de décider lesquelles de ces lois, ordonnances, et mesures administratives, il conviendra d'abroger ou de maintenir, dans l'intérêt bien entendu du pays.

XI. Les forces militaires nécessaires pour le maintien de l'ordre seront fournies à la Commission Administrative, et sur sa requisition : pour les Iles d'Als et d'Arroe, par le Général commandant les troupes Danoises ; dans la partie méridionale du Duché de Slesvig, par le Général commandant les troupes Prussiennes ; et pour la partie continentale du Duché de Slesvig située au nord de la ligne de démarcation, par le Commandant-en-Chef des troupes neutres stationnées respectivement dans ces districts.

XII. La Commission Administrative du Slesvig s'entendra avec

le Gouvernement Danois pour convenir d'un pavillon intérimaire, sous lequel les navires Slesvigois pourront naviguer pendant la durée de l'armistice, en jouissant des mêmes avantages que les bâtimens Danois.

XIII. Les postes et autres communications intérieures reprendront leur cours regulier. Le passage libre des postes par le Duché de Holstein, et le maintien de l'établissement postal à Hambourg, sont expressément réservés.

XIV. La présente Convention sera ratifiée, et les ratifications en seront échangées à Berlin dans l'espace de 8 jours, ou plus tôt, si faire se peut, à dater du jour de la signature.

La présente Convention, expédiée en double, a été dressée en langue Française, Danoise, et Allemande. Il est convenu que les doutes qui pourraient s'élever sur l'interprétation de la Convention, seront décidés d'après la teneur du texte Français.

En foi de quoi les Plénipotentiaires ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Berlin, ce 10 Juillet, l'an 1849.

(L.S.) REEDTZ.

(L.S.) SCHLEINITZ.

ACT between Russia and Turkey, for the more effectual Protection of the Immunities and Privileges of the Principalities of Moldavia and Wallachia.—Signed at Balta-Liman, ^{April 10,}_{May 1,} 1849.

(Translation.)

HIS Imperial Majesty the Most High and Most Mighty Emperor and Autocrat of all the Russias, and His Imperial Majesty the Most High and Most Mighty Emperor and Padishah of the Ottomans, animated by an equal solicitude for the well-being of the Principalities of Moldavia and of Wallachia, and faithful to the antecedent engagements which secure to the said Principalities the privilege of a distinct administration and certain other local immunities, have recognized that in consequence of the commotions by which those Provinces, and more particularly Wallachia, have been agitated, it becomes necessary to adopt by common agreement extraordinary and effectual measures for the protection of those immunities and privileges, either against revolutionary and anarchical convulsions, or against the abuses of power which paralyzed the execution of the laws therein, and deprived the peaceable inhabitants of the benefits of the administration which the 2 Principalities ought to enjoy in virtue of the solemn Treaties concluded between Russia and the Sublime Porte.

For this purpose we, the Undersigned, by order and by the express authorization of His Majesty the Emperor of all the Russias, and his

Highness Reschid Pasha, Grand Vizier, and his Excellency Aali Pasha, Minister for Foreign Affairs of the Sublime Ottoman Porte, by order and by the express authorization of His Majesty the Sultan, after having duly communicated and concerted together, have agreed upon and concluded the following Articles :

ART. I. Considering the exceptional circumstances brought on by the recent events, the 2 Imperial Courts have agreed, that instead of following the mode established by the regulation of 1831 for the election of the Hospodars of Moldavia and Wallachia, those high functionaries shall be nominated by His Majesty the Sultan, according to a mode especially agreed upon for this occasion between the 2 Courts, with the view of confiding the administration of those Provinces to the candidates most worthy, and enjoying the best reputation among their fellow-countrymen. For this occasion likewise, the 2 Hospodars shall only be nominated for 7 years, the 2 Courts reserving to themselves, a year before the expiration of the term fixed for the present agreement, to take into consideration the internal state of the Principalities, and the services which may have been rendered by the 2 Hospodars, in order, by mutual agreement, to consider of the further determinations to be taken.

II. The Organic Statute granted to the Principalities, in 1831, shall remain in force, saving the alterations and modifications of which the necessity shall have been proved by experience, specifically in regard to the ordinary and extraordinary assemblies of the Boyards. These assemblies, in the form in which they have heretofore been composed and elected, having more than once given rise to deplorable conflicts, and even to acts of open insubordination, their convocation shall continue to be suspended, and the 2 Courts reserve to themselves to come to an understanding on the subject of their re-establishment on bases settled with all requisite deliberation, at the time when they shall judge that that measure can be carried into effect without inconvenience as regards the maintenance of public tranquillity in the 2 Principalities. The deliberative functions shall be provisionally entrusted to councils or divans *ad hoc*, composed of the Boyards who are the most notable and the most worthy of confidence, and of some members of the higher clergy. The principal attributes of these Councils shall be the assessment of the taxes, and the examination into the yearly budget in the 2 Provinces.

III. In order to proceed with all necessary deliberation to the organic improvements required by the actual state of the Principalities and the administrative abuses which have been introduced there, 2 Commissions of Revision shall be established, one at Jassy and the other at Bucharest, composed of the Boyards most commendable from their character and abilities, to whom shall be entrusted the task of revising the existing regulations, and of pointing out the

modifications best calculated to confer upon the administration of the country the regularity and unity in which they have frequently been deficient.

The work of these Commissions shall be submitted with the shortest delay possible to the examination of the Ottoman Government, which, after having come to an understanding with the Court of Russia thereupon, and having thus proved their mutual approbation, shall grant to the said modifications its definitive sanction, which shall be published in the usual manner by a hatti-sherif of His Majesty the Sultan.

IV. The troubles which have so deeply disturbed the Principalities having demonstrated the necessity of affording to their Governments the support of a military force capable of promptly repressing every insurrectional movement, and of causing the established authorities to be respected, the 2 Imperial Courts have agreed to prolong the presence of a certain portion of the Russian and Ottoman troops which at present occupy the country; and specifically, in order to preserve the frontiers of Wallachia and of Moldavia from casualties from abroad, it has been determined to leave therein, for the time, from 25,000 to 35,000 men of each of the 2 Parties. After the tranquillity of the said frontiers shall be re-established, there shall remain in the 2 countries about 10,000 men on each side, until the completion of the work of the organic improvement and the consolidation of the internal tranquillity of the 2 Provinces. Thereupon the troops of the 2 Powers shall completely evacuate the Principalities, but they shall still remain at hand to re-enter immediately, in case the occurrence of serious events in the Principalities should require that measure to be again adopted. Independently of that, provision shall be made for completing without delay the reorganization of the native militia, so that by its discipline and efficiency it may afford a sufficient guarantee for the maintenance of legal order.

V. Pending the duration of the occupation the 2 Courts shall continue to cause an Extraordinary Russian Commissioner and an Extraordinary Ottoman Commissioner to reside in the Principalities. These special agents will be commissioned to watch over the progress of affairs, and to offer in common to the Hospodars their advice and counsel whensoever they shall observe any serious abuses or any measure prejudicial to the tranquillity of the country. The said Extraordinary Commissioners shall be furnished with identic instructions agreed upon between the 2 Courts, which shall prescribe to them their duties and the degree of interference which they will have to exercise in the affairs of the Principalities. The 2 Commissioners will likewise have to agree together upon the choice of the members of the Commissions of Revision to be established in the Principalities, as has been stated in Article III. They will give an account to the

respective Courts of the work of those Commissions, adding thereto their own observations.

VI. The duration of the present arrangement is fixed at 7 years, at the expiration of which the 2 Courts reserve to themselves to take into consideration the situation in which the Principalities may then be, and to determine upon the ulterior measures which they may judge most suitable and proper to insure for a long time hereafter the well-being and the tranquillity of those Provinces.

VII. It is understood that by the present instrument, occasioned by exceptional circumstances, and concluded for a limited time, none of the stipulations existing between the 2 Courts in regard to the Principalities of Wallachia and Moldavia are set aside, and that all previous Treaties confirmed by the Separate Act of the Treaty of Adrianople retain their full force and effect.

The 7 preceding Articles having been agreed upon and concluded, our signature and the seal of our arms have been affixed to the present Instrument, which is delivered to the Sublime Porte, in exchange for that delivered to us by His Highness the Grand Vizier and his Excellency the Minister for Foreign Affairs aforesaid.

Done at Balta-Liman, ^{April 10}_{May 1}, 1849 (and of the Hegira, the 8th Djemasi-ul-Akhir, 1265).

(L.S.) RESHID PASHA.	(L.S.) VLADIMIR TITOFF,
(L.S.) AALI PASHA.	<i>Envoy Extraordinary and Minister</i>
	<i>Plenipotentiary of H. M. the Emperor of</i>
	<i>Russia at the Sublime Ottoman Porte.</i>

*INSTRUCTIONS addressed by the Government of France to the French Agents at Vienna and at Gaeta, respecting the French Expedition to Civita Vecchia.—April, 1849.**

M. Drouyn de Lhuys to Admiral Cécille.—(Communicated to Viscount Palmerston by Admiral Cécille, April 21.)

M. L'AMIRAL, *Paris, le 19 Avril, 1849.*

J'AI l'honneur de vous envoyer ci-joint copie de 2 dépêches que je viens d'écrire, l'une au Chargé d'Affaires de France à Vienne, l'autre à notre Ambassadeur auprès du St. Père et à notre Envoyé auprès de la Cour de Naples, pour leur faire connaître les motifs et le but de l'expédition qui va partir pour Civita Vecchia sous le commandement de M. le Général Oudinot. Je vous prie de vouloir bien en donner lecture à Lord Palmerston. Nous ne doutons pas que le Gouvernement Britannique n'apprécie comme il convient une détermination dont l'objet est tout à la fois de maintenir, autant qu'il

* Laid before Parliament, 1849.

dépendra de nous, l'équilibre politique, de garantir l'indépendance des Etats Italiens ; d'assurer aux populations Romaines un régime libéral et régulier ; et de les préserver des dangers d'une réaction aveugle, aussi bien que des fureurs de l'anarchie.

Agréez, &c.

E. DROUYN DE LHUYS.

(Inclosure 1.)—*M. Drouyn de Lhuys to M. de la Cour.*

MONSIEUR,

Paris, le 17 Avril, 1849.

LES événements accomplis avec tant de rapidité depuis quelques semaines dans le Nord de l'Italie ; les mouvements opérés par l'armée Autrichienne à la suite de la lutte si courte contre l'armée Piémontaise ; l'intention hautement annoncée par M. le Prince de Schwarzenberg d'intervenir dans toutes les contrées de la Péninsule voisines de la Lombardie ; enfin la délibération même de la Conférence de Gaëte, qui n'a cru pouvoir se rallier à aucune des idées suggérées par nos Plénipotentiaires : toutes ces circonstances nous ont fait penser que la France, pour conserver dans le règlement des affaires de l'Italie Centrale, la part d'influence qui lui appartient légitimement et dont la conservation est essentielle au maintien de l'équilibre politique, devait prendre une attitude plus prononcée. Le Gouvernement de la République s'est résolu à envoyer à Civita Vecchia un corps de troupes commandé par M. le Général Oudinot ; notre pensée en nous décidant à cette mesure n'a été ni d'imposer aux populations Romaines un régime que leur volonté libre aurait repoussé, ni de contraindre le Pape à adopter, lorsqu'il sera rappelé à l'exercice de sa puissance, tel ou tel système de Gouvernement. Nous avons cru, nous croyons plus que jamais, que par la force des choses, par l'effet de la disposition naturelle des esprits, le régime qu'a fondé à Rome la Révolution de Novembre dernier est destinée à succomber bientôt, et que le peuple Romain se replacera sous l'autorité du Souverain Pontife, pourvu qu'on le rassure contre les dangers d'une réaction ; mais nous croyons également, et à cet égard surtout, vous le savez, notre langage n'a jamais varié, nous croyons que cette autorité ne jettera de fortes racines, ne s'affermira contre de nouveaux orages, qu'à l'aide d'institutions qui préviennent le retour des anciens abus dont Pie IX avait avec un si généreux empressement commencé la réforme.

Faciliter un rapprochement qui s'opérerait sur de telles bases, donner au Saint Père et à tous ceux qui, soit à Rome, soit à Gaëte, sont disposés à y coopérer, l'appui dont ils peuvent avoir besoin pour surmonter les obstacles suscités par des prétentions exagérées ou par des mauvaises passions, tel est le but que nous avons assigné à notre expédition.

M. le Prince de Schwarzenberg comprendra, j'en ai la conviction, qu'après avoir pris l'importante détermination que j'ai l'honneur de

vous annoncer, nous n'ayons pas voulu en compromettre les chances de succès par les retards qu'aurait entraînés une communication préalable faite à la Conférence de Gaëte. La marche rapide des événements nous interdisait toute temporisation. Au surplus, nos intentions ne sont pas équivoques, et ne peuvent être suspectées. Ce que nous voulons c'est que le Saint Père en rentrant à Rome, s'y trouve placé dans une situation qui, tout à la fois satisfaisante pour lui et pour son peuple, garantisse l'Italie et l'Europe contre de nouvelles perturbations, et ne porte atteinte ni à l'équilibre politique ni à l'indépendance des Etats Italiens. Les moyens auxquels nous avons recours sont, si je ne me trompe, les plus propres à atteindre ce but. Ils doivent donc obtenir l'approbation de tous les amis de l'ordre et de la paix.

Nous ne verrons pas sans regret que l'Autriche, à qui l'occupation d'une partie considérable de la Haute Italie, et la victoire récemment remportée sur les Piémontais, assurent déjà une si grande part d'influence dans la Péninsule, crût devoir, comme elle l'a plus d'une fois indiqué, se procurer par l'occupation de Bologne, un gage nouveau qui, bien inutile pour elle au point de vue des intérêts sérieux, ne servirait qu'à inquiéter et à exciter les esprits.

Agréez, &c.

E. DROUYN DE LHUYS.

(Inclosure 2.)—*M. Drouyn de Lhuys to M. d'Harcourt and M. de Rayneval.*

MONSIEUR,

Paris, le 18 Avril, 1849.

LA détermination que vous annonçait une dépêche du 15 de ce mois est enfin arrêtée, et va recevoir son exécution. Un vote de l'Assemblée Nationale, rendu à la suite d'une discussion solennelle, ayant ouvert au Gouvernement de la République les crédits dont il avait besoin à cet effet, un corps de troupes commandé par le Général Oudinot sera dirigé sans retard sur Civita Vecchia. La pensée du Gouvernement de la République, en se décidant à cette mesure, n'a été ni d'imposer aux populations Romaines un régime que leur volonté libre aurait repoussé, ni de contraindre le Pape à adopter, lorsqu'il sera rappelé à l'exercice de sa puissance temporelle, tel ou tel système de Gouvernement. Nous avons cru, nous croyons plus que jamais, que par la force des choses, par suite de la disposition naturelle des esprits, le régime qu'a fondé à Rome la Révolution du mois de Novembre est destiné à succomber bientôt; que le peuple Romain, pourvu qu'on le rassure contre les dangers d'une réaction, se replacera avec empressement sous l'autorité du Souverain Pontife; et que Pie IX, rentrant dans ses Etats, y rapportera la politique généreuse, éclairée, libérale, dont il s'est naguères montré animé. Faciliter un rapprochement qui s'opérerait dans un pareil esprit, donner au St. Père et à

tous ceux qui, à Gaëte comme à Rome, sont disposés à co-opérer l'appui dont ils peuvent avoir besoin pour surmonter les obstacles suscités dans l'un ou l'autre sens par des influences exagérées ou de mauvaises passions, tel est le but que nous avons assigné à notre expédition. Veuillez, en annonçant, de concert avec M. de Rayneval, à M. le Cardinal Antonelli, le départ de la division commandée par M. le Général Oudinot, lui bien expliquer l'objet et la portée de la résolution que nous venons de prendre. Il comprendra que, pour se mettre en état d'en profiter, le St. Père doit se hâter de publier un manifeste, qui, en garantissant aux populations des institutions libérales et conformes à leur vœu comme aux nécessités des temps, fasse tomber toutes les résistances. Ce manifeste, paraissant au moment même où nos forces se montreraient sur les côtes des Etats de l'Eglise, serait le signal d'une conciliation qui ne laisserait en dehors qu'un bien petit nombre de mécontents. Vous ne sauriez trop insister sur l'utilité, sur la nécessité même, d'un pareil acte.

Il vous sera facile de faire comprendre aux membres de la Conférence de Gaëte que, si nous n'avons pas cru devoir attendre pour agir, le résultat des délibérations de cette Conférence, c'est parce que la marche rapide des événements ne nous le permettait pas. Ce que nous désirons c'est que le St. Père, en rentrant à Rome, se trouve placé dans une situation qui, tout à la fois satisfaisante pour lui et pour son peuple, garantisse l'Italie et l'Europe contre de nouvelles perturbations, et ne porte atteinte ni à l'équilibre politique ni à l'indépendance des Etats Italiens. Les moyens auxquels nous avons recours sont, si je ne me trompe, les plus propres à atteindre ce but. Ils doivent donc obtenir l'approbation de tous les amis de l'ordre et de la paix.

Agréé, &c.

E. DROUYN DE LHUYS.

*COMMUNICATION from the Austrian to the British Government, relative to the Advance of Austrian Troops into Tuscany and the Legations.—April, 1849.**

(Translation.)

Prince Schwarzenberg to Count Colloredo.—(Communicated to Viscount Palmerston by Count Colloredo, May 17, 1849.)

M. LE COMTE,

Vienna, April 29, 1849.

THE Government of the Emperor has sent to Marshal Count Radetzky orders to advance troops as well into Tuscany as into the Legations.

In deciding upon this measure we have only responded to the demand which has been addressed to us to this effect on the part of

* Laid before Parliament, 1849.

the Grand Duke of Tuscany, as well as on the part of the Holy Father, the latter having at the same time applied for the armed intervention of France, Spain, and Naples.

The object of our intervention is no other than the re-establishment of the legitimate Governments and of legal order. Whenever this object shall have been attained, and, thanks to the co-operation of the same portion of the population, it will be so we hope shortly, our troops will retire.

As regards the intervention in the State of the Church, we could have wished to have been allowed to wait until the decisions of the Conference of Gaeta, while placing in relief the agreement existing between the Powers whose support the Holy Father has especially claimed, had given to their endeavours combination and uniformity.

France having decided by the expedition to Civita Vecchia, to act in advance of the decisions of the Conference, we do not the less hope, that the object at which her isolated efforts aim, will prove to be the same as that which the 4 Powers had been called upon to effect by common action.

For our part, we only wish to comply with the wishes of the Holy Father, identical with those of the civilized world, by co-operating within the limits of our means, to restore to the Chief of the Universal Church his liberty and independence, which Catholic populations cannot with indifference see destroyed to the advantage of an anarchistical party. France, if we examine it well, can have no other object; I therefore willingly believe that the measures of the 2 Powers, while they may appear to be dictated by different impulses, will not bring about any conflict between them; but, on the contrary, will lead to results equally conducive to the well-being of the people of Central Italy, and to the cause of general order.

I beg you, M. le Comte, to allow the Principal Secretary of State to read this despatch.

Accept, &c.

SCHWARZENBERG.

ACT of the British Parliament, "for giving effect to the stipulations of a Treaty between Her Majesty and the Queen of Portugal, for the apprehension of certain Deserters."

[12 & 13 Vict. cap. 25.]

[June 26, 1849.]

WHEREAS by the XVIth Article of a Treaty of Commerce and Navigation between Her Majesty and the Queen of Portugal, signed at Lisbon on the 3rd day of July, 1842,* the ratifications whereof were exchanged at Lisbon on the 30th day of the same month, it was agreed

* Vol. XXX, Page 527.

“ that if any apprentices or sailors should desert from vessels belonging to the subjects of either of the High Contracting Parties while such vessels were within any port in the territory of the other party, the magistrates of such port and territory should be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the Party concerned, or by the deputy or representative of the Consul, and no public body, civil or religious, should protect or harbour such deserters ;” and by the XIXth Article of the said Treaty it was further agreed, “ that the said Treaty should be in force for the term of 10 years from the date thereof, and further until the end of 12 months after either of the High Contracting Parties should have given notice to the other of its intention to terminate the same, each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the end of the said term of 10 years, or at any subsequent time ; and it was thereby agreed between them, that at the expiration of 12 months after such notice should have been received by either party from the other, the said Treaty and all the provisions thereof should altogether cease and determine :” and whereas it is expedient that provision should be made for carrying the said Treaty into effect : be it therefore enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in case any apprentice or sailor shall desert from any vessel belonging to any Portuguese subject or subjects while such vessel shall be within any port in any of Her Majesty’s dominions, or the territories under the government of the East India Company, all justices of the peace and other magistrates and officers of justice within their several jurisdictions shall, on application being made by a Portuguese Consul, or his deputy or representative, according to the provisions of the said Treaty, aid in apprehending such apprentice or sailor ; and upon any such application, it shall be lawful for any justice of the peace, or other magistrate or person, having power to commit for trial persons accused of crimes against the laws of that part of Her Majesty’s dominions or territories in which such apprentice or sailor shall be found, to issue his warrant for the apprehension of such apprentice or sailor, and, upon due proof of such desertion as aforesaid, to order such apprentice or sailor to be conveyed on board the said vessel, or to be delivered to the master, mate, or owner of such vessel, or his agent, for the purpose of being so conveyed ; and it shall be lawful for such master, mate, owner, or agent, or any other person, in pursuance of the order in that behalf, to convey such apprentice or sailor accordingly.

II. And be it enacted, that no person shall protect or harbour any

apprentice or sailor who shall have deserted as aforesaid, knowing or having reason to believe such apprentice or sailor to have so deserted; and every person so offending shall, for every such apprentice or seaman so protected or harboured, forfeit and pay the sum of 10*l.*; and such penalty shall be recovered, paid, and applied, in like manner as the penalty imposed by an Act passed in the 8th year of Her Majesty [cap. 112], intituled, "An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen," upon a person harbouring or secreting a seaman or apprentice having deserted from his ship; and the provisions of such Act applicable to such last-mentioned penalty, and to the proceedings for the recovery thereof, shall be applicable to the penalty imposed by this Act, and to the proceeding for the recovery thereof.

III. And be it enacted, that if by any law or ordinance to be hereafter made by the local Legislature of any British colony or possession abroad, provision shall be made for carrying into complete effect within such colony or possession the objects of this present Act, by the substitution of some other enactment in lieu thereof, then it shall be competent to Her Majesty, with the advice of her Privy Council, (if to Her Majesty in Council it shall seem meet, but not otherwise,) to suspend the operation within any such colony or possession of this present Act, so long as such substituted enactment shall continue in force there, and no longer.

IV. And be it enacted, that this Act shall continue in force during the continuance of the said Treaty.

ACT of the British Parliament, "for carrying into effect Engagements between Her Majesty and certain Arabian Chiefs in the Persian Gulf, for the more effectual Suppression of the Slave Trade."

[12 & 13 Vict. cap. 84.]

[August 1, 1849.]

WHEREAS on the 30th day of April, in the year of our Lord 1847, an engagement was concluded between Major S. Hennell, the Resident in the Persian Gulf, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Sultan Bin Sagger, Shaik of Ras-el-Khyma and Shargab, in the Persian Gulf, the Chief of the Joasmee Arabs, whereby it was agreed as follows:

[See Vol. XXXVI. Page 691.]

And whereas on the said 30th day of April, 1847, an engagement was also concluded between Major S. Hennell, the Resident in the Persian Gulf, on behalf of Her Majesty the Queen of the United

[1848—49.]

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Kingdom of Great Britain and Ireland, and Muktoom Bin Buttye, Shaik of Debaye, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas on the 1st day of May, in the said year 1847, an engagement was also concluded between the said Major S. Hennell, on behalf of Her Majesty, and Abdool Azeez Bin Rashad, Shaik of Eginan, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas on the said 1st day of May an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Shaik Abdullah Bin Rashid, Shaik of Amulgavine, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas on the 3rd day of May, in the said year 1847, an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Shaik Saeed Bin Tahnoon, Chief of Aboothabee, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas on the 8th day of May, in the said year 1847, an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Shaik Mahomed Bin Khuleefa Bin Subman, Chief of Bahrein, whereby it was agreed as follows :

[See Vol. XXXVI. Page 692.]

And whereas it is expedient that effectual provision should be made for carrying into execution the provisions of the said several agreements: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commanders and other officers of Her Majesty's ships of war, or of the East India Company, to visit and detain in any seas any vessel belonging to either of the said respective Chiefs—Shaik Sultan Bin Suggest, Chief of the Joasmee tribe ; Muktoom Bin Buttye, Shaik of Debaye ; Abdool Azeez Bin Rashid, Shaik of Eginan ; Abdullah Bin Rashid, Shaik of Amulgavine ; Saeed Bin Tahnoon, Shaik of the Beni Yas, Chief of Aboothabee ; Mahomed Bin Khuleefa Bin Subman, Chief of Bahrein, or to any of their subjects or dependents, which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves, or having been fitted out for that purpose ; and to send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

II. And be it enacted, that it shall be lawful for the High Court of Admiralty of England, and for all courts of Vice-Admiralty in any dominions of Her Majesty beyond the seas, including those courts of

Vice-Admiralty within the territories under the Government of the East India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreements, and to condemn any such vessel to Her Majesty, and adjudge as to the slaves found therein, in like manner and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force, in relation to the suppression of the Slave Trade by British-owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or courts of Vice-Admiralty.

III. And be it enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said engagements of this Act shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of Her Majesty near thereto, in which there is a court of competent jurisdiction to try any such offence, or in Her Majesty's court of Queen's Bench, in England; and that in case of any prosecution for such offence in Her Majesty's said court of Queen's Bench, the venue may be laid in the county of Middlesex.

IV. And be it enacted, that the pendency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreements, or the final adjudication, condemnation, or judgment, or determination thereupon, may be pleaded in bar, or given in evidence under the general issue, and shall be deemed in any court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage, or for any injury sustained thereby, or by the persons on board the same, in consequence of any capture, seizure, or detention, or anything done under or in pursuance of the provisions of the said agreements.

V. And be it enacted, that any ship or vessel which shall be condemned as aforesaid, may be taken into Her Majesty's service upon payment of such sum as the Lord High Admiral, or the Lords Commissioners of the Admiralty, shall deem a proper price for the same, or, if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

VI. And be it enacted, that where any ship or vessel employed

or engaged in such illicit traffic in slaves, in violation of the said agreements, shall be seized by any ship or vessel belonging to Her Majesty or the East India Company, and afterwards condemned, there shall be paid to the captors the net proceeds to which Her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

VII. And be it enacted, that there shall be paid to the commander, officers, and crews of Her Majesty's ships, or the commander, officers, and crews of the ships of the East India Company, a bounty of 5*l.* for every man, woman, and child slave seized and found on board any ship or vessel taken and condemned in pursuance of the provisions of the said agreements and of this Act, such bounty to be issued and paid by order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid, in such manner and proportions as Her Majesty shall think fit to order by any Order in Council made, or to be made, or by any Proclamation for that purpose.

VIII. And be it enacted, that where any ship or vessel which shall have been seized and condemned under the provisions of the said agreements shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the commanders, officers, and crews of Her Majesty's ships, or those of the East India Company, in addition to the amount of the proceeds of such sale as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel, at the rate of 30*s.* for every ton of such tonnage.

IX. And be it enacted, that where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreements, there shall be paid to the commanders, officers, and crews of Her Majesty's ships, or those of the East India Company, an additional bounty upon the tonnage of such ship or vessel, at the rate of 4*l.* for every ton; and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal officer of the Customs at the port where the vessel may be at the time of condemnation, or in default thereof, by the best evidence which can be obtained: Provided always, that in every case in which any ship or vessel shall be seized with slaves on board, in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the commanders of Her Majesty's ships, or of those of the East India Company, making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

X. And be it enacted, that all bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the commanders, officers, and crews of Her Majesty's ships and of the ships of the East India Company, and such bounties shall be issued and paid by order from the Commissioners of Her Majesty's Treasury.

XI. And be it enacted, that the said bounty, as also all bounties payable under any of the Acts for the abolition or suppression of the Slave Trade, shall not hereafter be charged with Treasury fees or Exchequer fees of any description.

XII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

XIII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money on slaves, the number of men, women, and children so taken, delivered over, and condemned, shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, military or civil, who may be appointed to receive such slaves.

XIV. And be it enacted, that where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreements, and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstances, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

XV. Provided also, and be it enacted, that any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreements, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said court in that behalf, and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

XVI. And be it enacted, that all the provisions, rules, regula-

tions, forfeitures, and penalties respecting the delivery by Prize Agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the percentage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed, under the provisions of this Act, to the officers and crews of any of Her Majesty's ships and vessels of war.

XVII. And be it enacted, that where any ship or vessel belonging in whole or in part to the before-mentioned chiefs, or their subjects or dependents, shall have been detained and brought to adjudication by any officers of Her Majesty the Queen of Great Britain and Ireland, or of those of the East India Company, and the said ship shall be restored by sentence of the court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by warrant signed by any two or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs or damages which may be duly awarded: Provided always, that nothing herein contained shall exempt such officer from his liability to make good the payments so made, when lawfully called upon, either by the parties interested therein, or by order of the said Commissioners of Her Majesty's Treasury.

XVIII. And be it enacted, that when any seizure shall be made by any of the commanders, officers, and crews of Her Majesty's ships, or of those of the East India Company, and judgment shall be given against the seizer, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any two or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizer may have incurred in respect of such seizure, or any proportional part thereof.

ACT of the British Parliament, "for facilitating the Marriage of British Subjects resident in Foreign Countries."

[12 & 13 Vict. cap. 78.]

[July 28, 1849.]

WHEREAS an Act was passed in the fourth year of the reign of his late Majesty King George IV [cap. 91],* intituled "An Act to relieve His Majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad:" and whereas the provisions of the said Act are applicable only to the cases of marriages solemnized by a minister of the Church of England in the chapel or house of any

* See Vol. X. Page 563.

British Ambassador or Minister residing within the country to the Court of which he is accredited, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing at such factory, and of marriages solemnized within the British lines by any chaplain or officer, or other person officiating under the orders of the commanding officer of a British army serving abroad: and whereas large numbers of Her Majesty's subjects are resident abroad at places where the provisions of the said Act are not applicable: and whereas it is expedient to afford greater facilities for the marriage of Her Majesty's subjects resident abroad: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all marriages (both or one of the parties thereto being subjects or a subject of this realm) which, from and after the passing of this Act, shall be solemnized in the manner in this Act provided in any foreign country or place where there shall be a British Consul duly authorized to act in such foreign country or place under this Act shall be deemed and held to be as valid in the law as if the same had been solemnized within Her Majesty's dominions with a due observance of all forms required by law.

II. And be it enacted, that in every case of marriage intended to be solemnized under the provisions of this Act, one of the parties shall give notice under his or her hand, in the form of the Schedule (A) to this Act annexed, or to the like effect, to the Consul within whose district both the parties shall have dwelt, not less than 1 calendar month then next preceding, and shall state therein the name and surname, and the profession or condition of each of the said parties intending marriage, the dwelling-place of each of them, and that each of them has dwelt within such district during such 1 calendar month at the least.

III. And be it enacted, that the Consul shall file all such notices, and keep them with the archives of his Consulate, and shall also forthwith enter a true and exact copy of every such notice fairly into a register to be by him kept for that purpose, and shall likewise suspend a like true and exact copy of every such notice in some conspicuous place in the office of his Consulate during 7 successive days, if the marriage is to be solemnized by licence, or 21 successive days, if the marriage is to be solemnized without licence, before any marriage shall be solemnized in pursuance of such notice; and the said register and suspended copies shall be open at all reasonable times, without fee, to the inspection of persons desirous of inspecting the same; and upon the receipt of every such notice, and before registering and suspending the same, the Consul shall be entitled to have a fee of 10 shillings.

IV. And be it enacted, that any person authorized in that behalf as hereinafter mentioned may, at any time before the solemnization of any such intended marriage, forbid the solemnization of such intended marriage, by writing the word "forbidden" opposite to the entry of the notice of such intended marriage in the register, and by subscribing thereto his or her name and place of abode, and his or her character in relation to either of the parties by reason of which he or she is so authorized; and in case the solemnization of any such intended marriage shall be so forbidden, the notice shall be void, and such intended marriage shall not be solemnized under such notice.

V. And be it enacted, that the like consent shall be required to any marriage by licence under the provisions of this Act as is now required by law to marriages solemnized in England by licence; and every person whose consent to a marriage by licence is required by law is hereby authorized to forbid a marriage under the provisions of this Act, whether such marriage is intended to be by licence or without licence.

VI. And be it enacted, that before any marriage by licence shall be solemnized under this Act both the Parties intending marriage shall appear before the Consul, and each of them shall make oath, or shall make his or her solemn affirmation or declaration instead of an oath, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance, to the said marriage, and that both of the said parties have for the space of 1 calendar month immediately preceding respectively had their usual places of abode within the district of such Consul, and where either of the parties, not being a widower or widow, shall be under the age of 21 years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, as the case may be; and when and as soon as such oath, affirmation, or declaration shall have been made, the Consul shall, on payment of a fee of 20 shillings, certify under his hand on the original notice, and also in the register that licence has been granted for the solemnization of the marriage in respect of which such notice was given; and such certificate shall be deemed and taken to be a licence for such marriage.

VII. And be it enacted, that any person, on payment of a fee of 20 shillings to the Consul, may enter a caveat with the Consul against the solemnization of the marriage of any person named therein, such caveat being signed by or on behalf of the person who enters the same, and stating his or her place of residence, and the ground of objection on which his or her caveat is founded; and if any caveat be entered as aforesaid no marriage of the person named therein shall be solemnized until the Consul shall have examined into the matter of

the caveat, and shall be satisfied that it ought not to obstruct the solemnization of the said marriage, or until the caveat shall be withdrawn by the party who entered the same; and in cases of doubt, it shall be lawful for the Consul to transmit to one of Her Majesty's Principal Secretaries of State a copy of such caveat, with such statement in relation thereto as such Consul may think fit, and such Secretary of State shall refer the same to the Registrar-General of Births, Deaths, and Marriages, in England, for his decision; and the said Registrar-General, having decided thereon, shall transmit his decision in writing to the said Secretary of State, who shall communicate the same to the said Consul; provided always, that in case the Consul refuse to solemnize, or to allow to be solemnized in his presence, the marriage of any person requiring such marriage to be solemnized, such person shall have a right of appeal to one of Her Majesty's Principal Secretaries of State, who shall thereupon either confirm the refusal or direct the solemnization of the marriage.

VIII. And be it enacted, that whenever any marriage shall not be had within 3 calendar months next after notice shall have been so given to and entered by the Consul as aforesaid, or where, in the case of any such caveat as aforesaid, a statement shall have been transmitted as aforesaid, or where, on such refusal as aforesaid of the Consul, a person shall appeal as aforesaid, and the marriage shall be directed to be solemnized, then, within 3 calendar months after the receipt from the Secretary of State of the decision with respect to such caveat or on such appeal, the notice shall be void; and the marriage in respect of which such notice was given shall not be solemnized until a new notice shall have been given, and copies thereof entered in the Register, and suspended in the office of the Consulate, in accordance with the provisions of this Act.

IX. And be it enacted, that after the expiration of 7 days, if the marriage is by licence, or of 21 days if the marriage is without licence, after notice shall have been so given to and entered by the Consul as aforesaid, provided no lawful impediment be shown to the satisfaction of the Consul why the marriage should not be solemnized, and that the marriage has not been forbidden in manner herein provided, it shall be lawful for the Consul to solemnize, or allow to be solemnized by any other person in his presence, the marriage in respect of which such notice shall have been given, between and by the parties described in such notice; and every such marriage shall be solemnized at the British Consulate, with open doors, between the hours of 8 and 12 in the forenoon, in the presence of 2 or more witnesses, and may be solemnized, in the presence of the Consul, according to the rites of the United Church of England and Ireland, or according to such other form and ceremony as the parties thereto may see fit to adopt, or may, where the parties shall so desire, be

solemnized by the Consul; and in the solemnization of every such marriage not solemnized according to the rites of the United Church of England and Ireland, in some part of the ceremony, and in the presence of the Consul and witnesses, each of the parties shall declare,

“ I do solemnly declare, that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D.”

And each of the parties shall say to the other,

“ I call upon these persons here present to witness, that I, A.B., do take thee, C.D., to be my lawful wedded wife [or husband].”

X. And be it enacted, that the Consul shall be entitled, for every marriage which shall be solemnized under this Act by him, or in his presence, to have from the parties married the sum of 20 shillings, if the marriage shall be by licence, and otherwise the sum of 10 shillings.

XI. And be it enacted, that the Consul shall forthwith register in duplicate every marriage solemnized as aforesaid in 2 Marriage Register Books, to be furnished to him for that purpose, from time to time by the Registrar General (through one of Her Majesty's Principal Secretaries of State), according to the form provided for the registration of marriages by an Act of the 7th year of the reign of King William IV, intituled “ An Act for registering Births, Deaths, and Marriages in England,” or as near to such form as the difference of the circumstances will admit of; and the entry in each such book of every such marriage shall be signed by the person by whom the marriage shall have been solemnized, if there shall be any such person other than the Consul, and by the Consul and both the parties married, and attested by 2 witnesses; and all such entries shall be made in regular order from the beginning to the end of each such book, and the number of the place of entry in each duplicate marriage book shall be the same.

XII. And be it enacted, that in the month of January in every year, every Consul shall make and transmit to one of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar-General, a true copy, certified by such Consul under his hand and Consular seal, according to the form in the Schedule (B) to this Act annexed, of all the entries of marriages during the preceding year in the register book kept by him; and if there shall have been no marriage registered during such preceding year, the Consul shall certify such fact under his hand and Consular seal; and the Consul shall keep the said duplicate marriage register books safely until the same shall be filled, and one of such duplicate marriage register books, when filled, shall be transmitted to one of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar-General.

XIII. And be it enacted, that after any marriage shall have been solemnized under this Act, it shall not be necessary, in support of such marriage, to give any proof of the actual dwelling for the time required by this Act of either of the parties, previous to the marriage, within the district wherein such marriage was solemnized, or of the consent of any person whose consent thereto is required by law, nor shall any evidence to prove the contrary be given in any suit touching the validity of such marriage.

XIV. And be it enacted, that it shall be lawful for the Consul by whom or in whose presence any marriage is solemnized under this Act, to ask of the parties to be married the several particulars required to be registered touching such marriage.

XV. And be it enacted, that if any marriage shall be had under the provisions of this Act by means of any wilfully false notice, oath, affirmation, or declaration made by either party to such marriage, as to any matter to which a notice, oath, affirmation, or declaration is by this Act required, it shall be lawful for Her Majesty's Attorney-General or Solicitor-General to sue for the forfeiture of all estate and interest in any property accruing to the offending party by such marriage; and the proceedings thereupon, and the consequences thereof, shall be the same as are provided by law in the like case with regard to marriages solemnized by licence in England according to the rites of the Church of England.

XVI. And be it enacted, that every person who shall knowingly and wilfully make any oath, affirmation, or declaration, or sign any false notice, required by this Act, for the purpose of procuring any marriage, and every person who shall forbid any such marriage by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall suffer the penalties of perjury; and such offender may be tried in any county or place in England, in the same manner, and may be dealt with in all respects as if the offence had been committed in such county or place in England.

XVII. And be it enacted, that in any and every action or suit for forfeiture, and upon any and every prosecution for perjury, as aforesaid, the declaration and certificate of the Consul, under his hand and Consular seal, shall be received and taken as good and valid evidence in the law, of all facts and matters stated in such declaration and certificate, without its being necessary for the said Consul to attend in person to prove the same.

XVIII. And be it enacted, that this Act shall be taken to be part of the said Act for registering births, deaths, and marriages in England, as fully and effectually as if incorporated therewith; and that every Consul shall be deemed a Registrar under the said Act; and that all the provisions and penalties of the said Act relating to any

Registrar, or register of marriages or certified copies thereof, shall be taken to extend to every such Consul, and the registers of marriages under this Act, and to the certified copies thereof, so far as the same are applicable thereto.

XIX. And be it enacted, that every British Consul-General and Consul already appointed or hereafter to be appointed to reside in any foreign country or place, who shall be directed or authorized, by writing under the hand of one of Her Majesty's Principal Secretaries of State, to solemnize and register marriages, and any person duly authorized to act in the absence of such Consul, or, in any foreign place where there is no British Consul resident, any Vice-Consul or Consular Agent, who shall be directed or authorized as aforesaid, by one of Her Majesty's Principal Secretaries of State to solemnize and register marriages in such place, shall, in the country or place in which he is so appointed to reside, or in which he is directed or authorized to solemnize and register marriages as aforesaid, be a Consul duly authorized for all the purposes of this Act; and in the construction of this Act the term "Consul" shall (save where such construction would be inconsistent with the context) be construed to mean a Consul so authorized; and the district of every such Consul, for the purposes of this Act, shall be all or such parts of the foreign country in which (or at a place within which) such Consul is appointed to reside, or is so directed or authorized as aforesaid, as such Secretary of State may, by such writing under his hand, direct, or where there shall be no direction in this behalf, shall be the district of the Consulate of such Consul.

XX. And whereas many marriages have been entered into abroad by British subjects under circumstances which may occasion doubts as to the validity of such marriages, and it is expedient that such marriages should be confirmed in the cases hereinafter mentioned: be it enacted, that all marriages, both or one of the parties being subjects or a subject of this realm, which, before the passing of this Act, have been solemnized in any foreign country or place, or on board a British vessel of war on any foreign station, by a minister in Holy Orders according to the rites and ceremonies of the Church of England, or of Ireland, or of the United Church of England and Ireland, or by an ordained minister of the Church of Scotland; and all marriages of the like parties which have been solemnized according to any religious rites or ceremonies, or contracted *per verba de presenti* in any foreign country or place in the presence of any British Ambassador, Minister, Chargé d'Affaires, Consul-General, Consul, or Vice-Consul exercising his functions within the foreign country or place in which such marriages have been had, or on board a British vessel of war on any foreign station in the presence of the officer commanding such vessel; and all marriages of the like parties which have been solemnized

according to any religious rites or ceremonies, or contracted *per verba de presenti* in any foreign country or place, and registered by or under the authority of any British Consul-General, Consul, or Vice-Consul exercising his functions within such foreign country or place, the signatures of the parties being written in the register, shall be deemed and held to be as valid in the law, and cognizable in the like manner as if the same had been solemnized within Her Majesty's dominions with a due observance of all forms required by law: provided always, that this enactment shall not extend to render valid any marriage which before the passing of this Act has been declared invalid by any court of competent jurisdiction in any proceeding touching such marriage, or any right dependent on the validity or invalidity thereof, or any marriage where either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person.

XXI. Provided always and be it enacted, that nothing in this Act contained shall confirm or impair, or in anywise affect, or be construed to confirm or impair, or in anywise affect, the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided : and this Act shall not extend to the marriage of any of the Royal family.

XXII. And be it enacted, that this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES.

Schedule (A.)—Notice of Marriage.

To the [British Consul General or Consul] at

I hereby give you notice, that a marriage is intended to be had within 3 calendar months from the date hereof between me and the other party herein named and described; (that is to say),

Name and Surname.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.
John Brown	Widower ... ..	... ..	Of full Age	—	—
Elizabeth Reeve ...	Spinster ... ..	... ..	Minor	—	—

Witness my hand, this day of

(Signed) JOHN BROWN.

Schedule (B.)

I [Consul-General or Consul] residing at
do hereby certify, that this is a true copy of the entries of marriages
registered in my office, from the entry of the marriage of John Brown
and Elizabeth Reeve, Number One, to the entry of the marriage of
Michael Jones and Maria Tomkins, Number Fourteen.

Witness my hand and seal, this day of January, 1850.

(*Signature and Consular Seal
of the Consul General or Consul.*)

*BRITISH ORDER IN COUNCIL, for regulating the Trade
and Commerce of the River Gambia, so far as it relates to
Foreign Trade and Foreign Vessels.—January 31, 1849.*

At the Court at Buckingham Palace, the 31st day of January, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, made in the session of
Parliament holden in the 8th and 9th years of the reign of her present
Majesty [cap. 93],* intituled "An Act to regulate the trade of the
British possessions abroad," it is, amongst other things, enacted, that
it shall be lawful for Her Majesty, by and with the advice of her Privy
Council, by any Order or Orders in Council, to be issued from time
to time, to give such directions and make such regulations touching
the trade and commerce to and from any British possessions in or
near the continent of Europe, or within the Mediterranean Sea, or in
Africa, or within the limits of the East India Company's charter
(excepting the possessions of the said Company), as to Her Majesty in
Council shall appear most expedient and salutary.

And whereas Her Majesty, with the advice of her Privy Council,
doth deem it expedient and salutary to make the several regulations
hereinafter contained touching the trade and commerce of Her
Majesty's settlements on the river Gambia and their dependencies.

I. Now, therefore, Her Majesty, with the advice of her Privy
Council, and in pursuance and exercise of the power so vested in her as
aforesaid, by the said recited Act of Parliament, doth order, and it is
hereby ordered, that the several sorts of goods enumerated or described
in the table following, denominated "A Table of Prohibitions and
Restrictions," are hereby prohibited to be imported or brought into such
settlements and their dependencies, or shall be so imported or brought

only under the restrictions mentioned in such table, according as the several sorts of such goods are set forth therein; that is to say :

A Table of Prohibitions and Restrictions.

Gunpowder, arms, ammunition, or utensils of war ; prohibited to be imported, to be used therein except from the United Kingdom, or from some other British possessions ; but such articles may, nevertheless, be imported from any foreign country in any vessels which may legally trade between such foreign countries and the British possessions on the western coast of Africa for the purpose of being warehoused at the port of Bathurst for exportation only.

Articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom.

Base or counterfeit coin.

Books first composed or written, or printed and published in the United Kingdom wherein the copyright shall be subsisting, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing that such copyright subsists, such notice also stating when such copyright will expire ; prohibited to be imported.

II. And if any goods shall be imported or brought into such settlements and their dependencies, contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited ; and if the ship or vessel in which such goods shall be imported be of less burthen than 60 tons, such ship or vessel shall be forfeited.

III. And whereas it is expedient to extend certain of the provisions of the hereinbefore mentioned Act, of the 8th and 9th years of the reign of her present Majesty to the said settlements and their dependencies, now therefore Her Majesty with the advice of her Privy Council and in further pursuance and exercise of the powers so vested in her as aforesaid, by the said Act of Parliament, doth order, and it is hereby ordered, that no goods shall be imported into, nor shall any goods be exported from the said settlements and their dependencies, by sea, from or to any place other than the United Kingdom or some other British possession, except into or from the port of Bathurst, or such other port or ports within the said settlements and their dependencies, as may be hereafter declared by Her Majesty in council to be fit for such importation and exportation ; and if any goods shall be imported into the said settlements and their dependencies, contrary hereto, such goods shall be forfeited.

IV. And it is hereby further ordered that goods of any sort, or the produce of any place, not otherwise prohibited than by the law of

navigation, may be imported into the said port of Bathurst, from any place in a British ship, and from any place, not being a British possession in a foreign ship of any country and however navigated, to be warehoused for exportation only, under the provisions of this order, or of any law in force, for the time being, made for the warehousing of goods; provided always, and it is hereby ordered that it shall be declared upon the entry of such goods that they are entered for exportation only.

V. And it is hereby further ordered, that the master of every ship arriving in any of Her Majesty's settlements on the river Gambia and their dependencies, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom House at the port of Bathurst, and there make a report, in writing, to the collector or other proper officer, of the arrival and voyage of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast, and if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods, if any, had been unladen during the voyage as far as any such particulars can be known to him; and the master shall further answer all such questions concerning the ship and cargo and the crew and the voyage, as shall be demanded of him by such officer; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*, and if any goods be not reported such goods shall be forfeited.

VI. And it is hereby further ordered, that no goods shall be laden, or water-borne to be laden, on board any ship, or unladen from any ship in the said settlements and their dependencies, until due entry shall have been made of such goods and warrant granted for the lading or unlading of the same, and the person entering any such goods shall deliver to the Collector of the Customs or other proper officer, a bill of the entry thereof fairly written in words at length, containing the name of the exporter or importer, and of the ship, and of the master, and of the place to or from which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the British possessions or not, and shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill of entry shall

be written and arranged in such form and manner, and the number of such duplicates shall be such as the collector or other principal officer shall require.

VII. And it is hereby further ordered, that the master of every ship bound from such settlements and their dependencies shall, before any goods be laden therein, deliver to the collector or comptroller, or other proper officer of customs, an entry outwards, under his hand, of the destination of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship; and if any goods be laden on board any ship before such entry be made, the master of such ship shall forfeit the sum of 50*l.*; and before such ship depart, the master shall bring and deliver to the collector and comptroller, or other proper officer, a content in writing, under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any such particulars can be known to him; and the master of every such ship, whether in ballast or laden, shall, before departure, come before the collector or comptroller, or other proper officer, and answer all such questions concerning the ship and cargo, if any, and the crew, and the voyage, as shall be demanded of him by such officer; and thereupon the collector, or other proper officer, if such ship be laden, shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*

VIII. And it is hereby further ordered, that no entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, nor unless the goods shall have been properly described in such entry, by the denominations and with the characters and circumstances according to which such goods may be imported; and any such goods taken or delivered out of any ship, or out of any warehouse, by virtue of any entry or warrant not corresponding or agreeing in all respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

IX. And whereas it is expedient to constitute and appoint the port
[1848—49.]

of Bathurst to be a free warehousing port for all such goods as may be legally imported under this order, it is therefore hereby ordered that the port of Bathurst shall be a free warehousing port for all the purposes mentioned in this order.

X. And whereas it is necessary to make regulations for the appointing proper warehouses at the Port of Bathurst, and for the lodging and securing therein of such goods as may be imported under this Order, it is hereby further ordered, that it shall be lawful for the collector of customs at the said port, with the assent of the Governor by notice in writing under his hand to appoint, from time to time, such warehouses at that port as shall be approved of, for the free warehousing and securing of goods therein for the purposes of this Order, and also in such notice to declare what sorts of goods may be so warehoused, and also by like notice to revoke or alter any such appointment or declaration.

Provided always, that every such notice shall be transmitted to the Governor or Lieutenant-Governor of the said settlements and their dependencies, and shall be published in such manner as he shall direct.

XI. And it is hereby further ordered, that it shall be lawful for the importer of any such goods as aforesaid into the port of Bathurst, to warehouse the same in the warehouses so appointed, subject nevertheless to the rules, regulations, and conditions hereinafter contained.

XII. And it is hereby further ordered, that all goods so warehoused, shall be stowed in such parts or divisions of the warehouse, and in such manner as the collector shall direct, and that the warehouses shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations as the collector shall direct; and that all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried to be shipped, under such rules and regulations as the collector shall direct.

XIII. And it is hereby further ordered, that if any goods which have been entered to be warehoused under the provisions of this Order shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer of the customs, such goods shall be forfeited.

XIV. And it is hereby further ordered, that upon the entry and landing of any goods to be warehoused under the provisions of this Order, the proper officer of the customs shall take a particular account

of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers.

XV. And it is hereby further ordered, that it shall be lawful for the collector, under such regulations as he shall see fit, to permit moderate samples to be taken of any goods so warehoused.

XVI. And it is hereby further ordered, that it shall be lawful for the collector, under such regulations as he shall see fit, to permit the proprietor or other person having control over the goods so warehoused, to sort, separate, pack, and repack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; and also to permit any parts of such goods so separated to be destroyed.

XVII. And it is hereby further ordered, that all goods which have been so warehoused or re-warehoused under the provisions of this Order, shall be duly cleared for exportation, or otherwise accounted for within 2 years from the day of first entry for the warehousing thereof; and if any such goods be not so cleared or accounted for, it shall be lawful for the collector to cause the same to be sold, and the produce shall be applied, first, to the payment of warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor.

Provided always, that it shall be lawful for the collector to grant further time for any such goods to remain warehoused if he shall see fit so to do.

XVIII. And it is hereby further ordered, that upon the entry outwards of any goods to be exported from the warehouse under the provisions of this Order, the person entering the same shall give security by bond, in double the value of such goods, with 2 sufficient sureties, to be approved of by the collector, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for to the satisfaction of the collector.

XIX. And it is hereby further ordered, that it shall be lawful to reimport into the port of Bathurst any goods which shall have been legally exported therefrom to any place on the western coast of Africa, and to enter the same by bill of store, referring to the entry outwards and exportation thereof, provided the property in such goods continue in the person by whom or on whose account the same have been exported, and that such reimportation take place within 2 years from the date of the exportation.

XX. And it is hereby further ordered, that the person in whose

name any goods so reimported were entered for exportation, shall deliver to the collector or other proper officer of the Customs, an exact account signed by him of the particulars of such goods, referring to the entry and clearance outwards and to the return inwards of the same, with the marks and numbers of the packages both inwards and outwards, and thereupon the said officer finding that such goods had been legally exported, shall grant a bill of store for the same; and if the person in whose name such goods were entered for exportation was not the proprietor thereof but his agent, he shall declare on such bill of store the name of the person by whom he was employed as such agent; and if the person to whom such return goods are consigned shall not be such proprietor and exporter, he shall make and subscribe a declaration on such bill of store, of the name of the person for whose use such goods have been consigned to him, and the real proprietor ascertained to be such shall make and subscribe a declaration upon such bill of store to the identity of the goods so exported and so returned, and that he was at the time of exportation and of re-importation, the proprietor of such goods, and that the same had not during such time been sold or disposed of to any other person, and such declaration shall be made before the collector or other proper officer at the port of Bathurst, and thereupon the said officer shall admit such goods to entry by bill of store.

Provided always, that where the real proprietor of any such goods shall be absent from such settlements and their dependencies at the time of such re-importation, such goods, if legally entitled to be entered by bill of store, shall be permitted to be so entered upon production of a declaration subscribed by the original consignee, or by the authorized agent of such real proprietor, setting forth the identity of the goods so exported and so returned, and that [name the real proprietor] was at the time of exportation from such settlements and their dependencies, and will be at the time of re-importation thereinto the proprietor of such goods, and that the same have not during such time been sold or disposed of to any other person, such declaration to be made before the collector or other proper officer of the Customs, and upon such further proof of the identity of the goods as the collector of Customs shall require, and upon compliance with all the other regulations required by law on the entry of goods by bill of store.

XXI. And it is hereby further ordered, that all vessels, boats, carriages, implements, and cattle, made use of in the removal of any goods liable to forfeiture under this Order, or under any Act or Order relating to the Customs, or to trade, or navigation, shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring of such goods,

or to whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof or the penalty of 100*l.*, at the election of the officers of the Customs, and the averment in any information or libel to be exhibited for the recovery of such penalty that the officer proceeding has elected to sue for, the sum mentioned in the information or libel shall be deemed sufficient proof of such election without any other or further evidence of such fact.

XXII. And it is hereby further ordered, that all goods and all ships, vessels, and boats, and all carriages, and all cattle, liable to forfeiture under this order, or any Order or Act relating to the Customs, or to trade or to navigation, shall and may be seized and secured by any officer of the Customs or navy, or by any person employed for that purpose, by or with the concurrence of the Commissioners of Her Majesty's Customs, and every person who shall in any way hinder, oppose, molest, or obstruct any officer of the Customs or navy, or any person so employed as aforesaid in the exercise of his office, or any person acting in his aid or assistance, shall, for every such offence, forfeit the sum of 200*l.*

XXIII. And it is hereby further ordered, that if any officer of the Customs, or any persons duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any vessel, boat, or goods liable to forfeiture under this order, or any Order or Act relating to the Customs, or to trade or navigation, or shall take any bribe, recompence, gratuity, or reward, for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of 500*l.*, and be rendered incapable of serving Her Majesty in any office whatever, and every person who shall give, or offer, or promise to give or procure to be given, any bribe, recompence, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid, in the said settlements and their dependencies, to induce him in any way to neglect his duty, or to do, or conceal, or connive at anything whereby the provisions of this Order or any such Order or Act may be evaded, shall forfeit the sum of 200*l.*

XXIV. And it is hereby further ordered, that all vessels, boats, goods, and other things, which shall have been, or shall hereafter be, seized as forfeited in the said settlements and their dependencies, under this Order or any Order or Act relating to the customs, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by law in respect to vessels, boats, goods, and other things seized and condemned for breach of any such Order or Act, unless the person from whom such vessel, boat, goods, and other things shall have been seized, or the owner of them, or some person authorized by him shall, within one calendar month from

the day of seizing the same, give notice in writing to the person or persons seizing the same, or to the collector or other chief officer of the Customs, at the port within the said settlements and their dependencies where the same shall have been seized, that he claims the vessel, boat, goods, or other things, or intends to claim them.

XXV. And it is hereby further ordered, that under the authority of a writ of assistance granted by the superior or supreme courts of justice or court of Vice-Admiralty having jurisdiction in the said settlements and their dependencies, which court or courts are hereby authorized and required to grant such writ of assistance upon application made to them for that purpose by the principal officers of Her Majesty's Customs, it shall be lawful for any officer of the Customs, taking with him a peace officer, to enter any building or other place in the day time, and to search for and seize and secure any goods liable to forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and, in case of necessity, to break open any doors and any chests or other packages for that purpose, and such writ of assistance, when issued, shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for 12 months from the conclusion of such reign.

XXVI. And it is hereby further ordered, that all things which shall be seized as being liable to forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, shall be taken forthwith, and delivered into the custody of the Collector of the Customs at the port at Bathurst, and, after condemnation, he shall cause the same to be sold by public auction to the best bidder.

XXVII. And it is hereby further ordered, that all penalties and forfeitures which may have been heretofore, or may be hereafter incurred under this Order, or any Order or Act relating to the Customs, or to trade or navigation, shall and may be prosecuted, sued for, and recovered, in any Court of Record or of Vice-Admiralty having jurisdiction in such settlements and their dependencies.

XXVIII. And it is hereby further ordered, that if any goods or any ship or vessel shall be seized as forfeited, under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and detained, it shall be lawful for the judge or judges of any Court having jurisdiction, to try and determine such seizures, to order the delivery thereof on security by bond, with 2 sufficient sureties, to be first approved of by the Collector of Customs, to answer double the value of the same in case of condemnation, and such bond shall be taken to the use of Her Majesty, in the name of the Collector or Officer of the Customs in whose custody the goods or the ship or vessel may be lodged, and such bond shall be delivered into and kept in the custody of such collector or officer; and in case the goods or the ship or vessel shall be condemned, the value thereof shall be paid into the

hands of such collector or officer, who shall thereupon cancel such bond.

XXIX. And it is hereby further ordered, that no suit shall be commenced in the said settlements and their dependencies, for the recovery of any penalty or forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, except in the name of some superior officer of the Customs, or of some officer of the navy, or of Her Majesty's Advocate or Attorney-General, for the said settlements; and if a question shall arise whether any person is an officer of the Customs, or of the navy, *viva voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

XXX. And it is hereby ordered, that if any goods shall be seized for any cause of forfeiture under this Order, and any dispute shall arise whether the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize or stop the same.

XXXI. And it is hereby further ordered, that no claim to anything seized under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and returned into any of Her Majesty's Courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made, by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

XXXII. And it is hereby further ordered, that no person shall be admitted to enter a claim to anything seized, in pursuance of this Order, or any Act or Order relating to the Customs, or to trade or navigation, and prosecuted in the said settlements and their dependencies, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding 60*l.*, to answer and pay the costs occasioned by such claim, and in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned.

XXXIII. And it is hereby further ordered, that, if upon any trial a question shall arise whether any person is an officer of the Customs or navy, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation, unless sufficient proof shall be given to the contrary; and every such officer and every person acting in his aid or assistance, shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to

the whole or any part of such seizure or penalty upon the conviction of the party charged in such suit or information.

XXXIV. And it is hereby further ordered, that no writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs or navy, or other person as aforesaid, for anything done by him in pursuance of this Order, or any Order or Act relating to the Customs, or to trade or navigation, or otherwise, in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clear and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of action shall be produced, except such as shall be stated in such notice; and in case the plaintiff shall not prove on the trial that such notice was given, the jury shall find for the defendant.

XXXV. And it is hereby further ordered, that every such action shall be brought within 3 calendar months after the accrual of the causes of action, and the defendant may plead the general issue, and under it give the special matter in evidence; and whenever, in any such action, the plaintiff shall become nonsuited, or shall discontinue the action, or if a verdict shall be found or judgment shall be given for the defendant, he shall be entitled to full costs of suit, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

XXXVI. And it is hereby further ordered, that in case any information or suit shall be brought to trial, on account of any seizure made under this Order, or any Order or Act relating to the Customs, or to trade or to navigation, and a verdict shall be found for the claimant thereof, and the Judge or Court, before whom the cause shall have been tried, shall certify that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit, or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff shall not be entitled to recover, nor shall the defendant be liable to any fine, damages, or thing, beyond the things seized, or the value thereof.

XXXVII. And it is hereby further ordered, that it shall be lawful for such officer or other person as aforesaid, within 1 calendar month after such notice, to tender amends to the plaintiff or his agent, and to plead such tender in bar with or without other pleas, and if the jury shall find the amends tendered sufficient, they shall find for the

defendant, and he shall be entitled to full costs of suit, in the same manner as if he had pleaded the general issue only, and a verdict had been found for him thereon.

Provided always, that it shall be lawful for such defendant, by leave of the Court wherein such action shall be brought, at any time before issue joined to pay money into Court as in other actions.

XXXVIII. And it is hereby further ordered, that in any such action, if the judge or court before whom such action shall be tried, shall certify that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than 2*d.* damages, nor to any costs of suit.

XXXIX. And it is hereby further ordered, that all penalties and forfeitures recovered in the said settlements and their dependencies under this Order, or any Order or Act relating to the customs, or to trade, or navigation, or other than colonial ordinances, shall be paid into the hands of the collector of Port Bathurst, and shall be divided, paid, and applied as follows (that is to say): after deducting the charges of prosecution from the produce thereof, one-third part of the net produce shall be paid into the hands of the Collector of Her Majesty's Customs at the port of Bathurst, for the use of Her Majesty, one-third part to the Governor or Lieutenant-Governor of the said settlements and their dependencies, and the other third part to the person who shall seize, inform, and sue for the same, excepting in the case of seizures made at sea by the commanders or officers of Her Majesty's ships of war duly authorized to make seizures, one moiety of which last-mentioned seizures, and of the penalties and forfeitures recovered thereon, first deducting the charges of prosecution from the gross proceeds thereof, shall be paid as aforesaid to the Collector of Her Majesty's Customs, to and for the use of Her Majesty, and the other moiety to him or them who shall seize, inform, and sue for the same, any law, custom, or usage to the contrary notwithstanding, subject nevertheless to such distribution of the produce of the seizures so made at sea, as well with regard to the moiety hereinbefore granted to Her Majesty, as with regard to the other moiety given to the seizer or prosecutor, as Her Majesty shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that purpose.

XL. And it is hereby further ordered, that all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Order, or any Order or Act relating to the Customs, or to trade, or navigation, may be commenced or prosecuted at any time within 3 years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding.

XLI. And it is hereby further ordered, that no appeal shall be

prosecuted from any decree or sentence of any of Her Majesty's courts in the said settlements and their dependencies touching any penalty or forfeiture imposed by this Order or any Order or Act relating to the Customs, or to trade or navigation, unless the inhibition shall be applied for and decreed within 12 months from the time when such decree or sentence was pronounced.

XLII. And it is hereby ordered, that all persons authorized to make seizures under an Act passed in the 5th year of the reign of His Majesty King George IV, intituled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorized to make seizures under this Order. Provided nevertheless, that all penalties and forfeitures created by the said Act passed in the 5th year of His Majesty King George IV, whether pecuniary or specific, shall (except in cases specially provided for by the said Act) go and belong to such persons as are authorized by that Act to make seizures, in such shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like manner, and by the same ways and means, and subject to the same rules and directions, as any penalties and forfeitures incurred in Great Britain and in the British possessions in America respectively, now go and belong to and may be sued for, prosecuted, tried, recovered, and distributed respectively in Great Britain, or in the said settlements and their dependencies, under and by virtue of this Order.

XLIII. And it is hereby further ordered, that it shall not be lawful for any person to re-export from the said settlements and their dependencies, to any foreign place, in any foreign ship, any coals, the produce of the United Kingdom, except upon payment of the duty to which such coals would be liable upon exportation from the United Kingdom to such foreign place, and that no coals shall be so shipped at any port or place in the said settlements and their dependencies to be exported to any British place, until the exporter, or the master of the exporting vessel, shall have given bond, with one sufficient surety in double the value of the coals, that such coals shall not be landed in any foreign port.

XLIV. And it is hereby further ordered, that no import or other duty of Customs whatever shall be charged or payable in the said settlements or their dependencies upon provisions or stores of any description, imported or supplied on account of Her Majesty's Government and at the public expense, for the use of Her Majesty's land or sea forces.

XLV. And it is hereby further ordered, that all laws, bye-laws, usages, or customs, at this time or which hereafter shall be in force or practice, or endeavoured or pretended to be in force or practice,

in the said settlements and their dependencies, which are in anywise repugnant to this Order, or to any Act of Parliament made or hereafter to be made in the United Kingdom, so far as such Act shall relate to the said settlements and their dependencies, are and shall be null and void to all intents and purposes whatsoever.

XLVI. And it is hereby further ordered, that if any person shall, in the said settlements and their dependencies, counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket, transire, or other document for the unlading, lading, entering, reporting, or clearing any ship or vessel, or for the landing, shipping, or removing of any goods, stores, baggage, or article whatever, or shall by any false statement procure any writing or document to be made for any such purposes, or shall falsely make any oath or affirmation required by this Order, or shall forge or counterfeit a certificate of the said oath or affirmation, or shall publish such certificate, knowing the same to be so forged or counterfeited, every person so offending shall, for every such offence, forfeit the sum of 200*l.*, and such penalty shall and may be prosecuted, sued for, and recovered, in like manner, and by such ways and means, as any penalty may be prosecuted, sued for, and recovered, under the provisions and directions of this Order.

XLVII. And it is hereby further ordered, that the Governor, or officer for the time being, administering the governments of the said settlements and their dependencies, shall promulgate this present Order within 1 calendar month next after the receipt thereof by him, and this Order shall take effect from and after the date of such promulgation thereof as aforesaid, and not before.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, for revoking so much of the Order of October 12, 1829, as relates to the Trade of the Gambia.—January 31, 1849.*

At the Court at Buckingham Palace, the 31st day of January, 1849,
PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council made by his late most Excellent Majesty King George IV, on the 12th day of October,

* Vol. XVI. Page 1208.

1829, it was ordered, that so much of an Act, passed in the 6th year of his said Majesty's reign, and so much of certain other Acts, passed in the 7th and 8th, and in the 9th and the 10th years respectively, of His said Majesty's reign, as imposed prohibitions and restrictions on the importation of goods into the British possessions in America and the Island of Mauritius, and as related to the entry of vessels and goods, inwards and outwards, in those possessions and the island aforesaid, were thereby extended and made applicable to His Majesty's settlements at Sierra Leone, and all other His Majesty's settlements on the western coast of Africa.

And whereas it is deemed expedient that so much of the said Order, as relates to the trade of Her Majesty's settlements on the River Gambia and their dependencies, should be revoked, Her Majesty therefore, with the advice of her Privy Council, and in pursuance and exercise of the power vested in her by an Act of Parliament, made in the session of Parliament, holden in the 8th and 9th years of the reign of Her said Majesty, intituled "An Act to regulate the trade of the British possessions abroad," doth order, and it is hereby ordered, that from and after the promulgation of this Order by the governor or officer for the time being administering the government of the said settlements of the Gambia and their dependencies, the said Order of the 12th day of October, 1829, shall, so far as relates to the said settlements and their dependencies, be, and the same is hereby repealed and revoked, except so far as relates to any fine, penalty, or forfeiture which shall have been incurred under the said Order, hereby repealed, or to any offence which shall have been committed contrary to such Order.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

BRITISH ORDER IN COUNCIL, suspending the Prohibition in Bermuda, against certain Foreign Reprints of British Books entitled to Copyright.—February 13, 1849.

At the Court at Buckingham Palace, the 13th day of February, 1849,
PRESENT,
THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the session of Parliament holden in the 5th and 6th years of her present Majesty's reign [cap. 45],* intituled,

* Vol. XXXI. Page 970.

“An Act to amend the Law of Copyright,” it is, among other things, enacted that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed, or written, or printed and published, in any part of the United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions; and, whereas by an Act passed in the session of Parliament holden in the 8th and 9th years of the reign of Her present Majesty, intituled “an Act to regulate the Trade of the British Possessions abroad,” books, wherein the copyright is subsisting, first composed, or written, or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad; and, whereas by an Act passed in the session of Parliament, holden in the 10th and 11th years of the reign of Her present Majesty, intituled “An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom,” it is enacted that, in case the legislature or proper legislative authorities in any British possession, shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council, declaring that so long as the provisions of such Act or Ordinance continue in force within such colony, the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books, first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such colony; and, whereas an Act has been passed by the Governor, Council, and Assembly of the island of Bermuda, No. 699, intituled “An Act to regulate the Importation of Books, and to protect the British Author,” whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of works under copyright imported into the said island; and whereas Her Majesty hath expressed Her Royal approval of the same.

Now, therefore, Her Majesty, by and with the advice and consent

of Her Privy Council, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the said island shall remain and continue in force within the said island, all prohibitions in either of the said hereinbefore recited Acts of the Imperial Parliament, or in any other Acts thereof contained against the importing into the said island, or against the selling, letting out to hire, or possessing therein foreign reprints of books, first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards foreign reprints imported into the said island.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, revoking the Order of December 16, 1848, appointing Waterloo Bay and East London, at the Cape of Good Hope, to be Free Ports and Free Warehousing Ports.—March 1, 1849.*

At the Court at Buckingham Palace, the 1st day of March, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS an Order was made by Her Majesty in Council, bearing date the 16th day of December, 1848,* whereby Her Majesty was graciously pleased to order that the ports of Waterloo Bay and East London, in the colony of the Cape of Good Hope, should be free ports and free warehousing ports for the importation, exportation, and warehousing of goods:

And whereas it is expedient to revoke the said Order:

Now, therefore, Her Majesty, by and with the advice and consent of Her Privy Council, doth order, and it is hereby ordered that the said Order of the 16th day of December, 1848, shall be, and the same is hereby, revoked accordingly,

C. C. GREVILLE.

* Vol. XXXVI. Page 953.

BRITISH ORDER IN COUNCIL, appointing East London at the Cape of Good Hope, to be a Free Port, and a Free Warehousing Port.—March 1, 1849.

At the Court at Buckingham Palace, the 1st day of March, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, made in the session of Parliament, holden in the 8th and 9th years of the reign of Her present Majesty, [cap. 93],* intituled "An Act to regulate the trade of the British possessions abroad," it is, amongst other things, enacted that it shall be lawful for Her Majesty, by and with the advice of Her Privy Council, by any Order or Orders in Council, to be issued from time to time, to give such directions and to make such regulations touching the trade and commerce to and from any British possessions on or near the continent of Europe or within the Mediterranean Sea, or in Africa or within the limits of the East India Company's Charter (excepting the possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary :

And whereas Her Majesty, with the advice of Her Privy Council, in pursuance and exercise of the power so vested in her, did, by a certain Order in Council made on the 24th day of April, in the year of our Lord, 1847, order that no goods should be imported into, and that no goods, except the produce of the fisheries in British ships, should be exported from the colony of the Cape of Good Hope, the same not to include the district of Port Natal by sea, from or to any place other than the United Kingdom, or some other British possession, except into or from the several ports of Cape Town, Simon's Town, and Port Elizabeth, or such other ports within the said colony as might be thereafter declared by Her Majesty in Council to be fit for such importation and exportation :

And whereas it appears to Her Majesty in Council that the port of East London, in the said colony, is fit for such importation and exportation, it is hereby ordered that goods may be imported into and exported from the said last-mentioned port from or to other places than the United Kingdom, or some other British possession :

And whereas by the said Order made on the 24th of April, in the year of our Lord, 1847, it is declared to be expedient to constitute and appoint certain ports in the said colony, to be free warehousing ports for all the goods which might be legally imported into the same ; and it was, therefore, thereby ordered, that the ports of Cape Town, Simon's Town, and Port Elizabeth, and such other ports within the

colony as might thereafter be declared by Her Majesty in Council to be fit for that purpose, should be free warehousing ports for the purposes of that Order; and whereas, it appears to Her Majesty in Council, that the said port of East London is fit for the said last-mentioned purposes.

It is hereby further ordered, that the said last-mentioned port shall be a free warehousing port for the purposes of the said Order, and that all regulations made by the said Order for the appointing proper warehouses at the ports mentioned in the said Order, and for the lodging and securing of goods therein, shall extend to the appointing proper warehouses in the said port of East London, and to the lodging and securing goods in such warehouses.

And it is hereby further ordered, that the governor or the officer for the time being, administering the government of the said colony, shall promulgate this present Order within 1 calendar month next after the receipt thereof by him; and this Order shall take effect, from and after the date of such promulgation thereof, as aforesaid, and not before.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, for regulating the Trade and Commerce of Sierra Leone, so far as it relates to Foreign Trade and Foreign Vessels.—February 13, 1849.

At the Court at Buckingham Palace, the 13th day of February, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by a certain Act of Parliament, made in the session of Parliament holden in the 8th and 9th years of the reign of Her present Majesty [cap. 93],* intituled "An Act to regulate the trade of the British possessions abroad," it is, amongst other things, enacted, that it shall be lawful for Her Majesty, by and with the advice of Her Privy Council, by an Order or Orders in Council to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any British possession on or near the continent of Europe, or within the Mediterranean Sea, or in Africa, or within the limits of the East India Company's charter

* Vol. XXXIII. Page 1126.

(excepting the possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary.

And whereas Her Majesty, with the advice of Her Privy Council, doth deem it expedient and salutary to make the several regulations hereinafter contained, touching the trade and commerce of Her Majesty's colony of Sierra Leone.

I. Now, therefore, Her Majesty, with the advice of Her Privy Council, and in pursuance and exercise of the power so vested in her as aforesaid, by the said recited Act of Parliament, doth order, and it is hereby ordered, that the several sorts of goods enumerated or described in the table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought into the said colony, or shall be so imported or brought only under the restrictions mentioned in such table, according as the several sorts of such goods are set forth therein; that is to say:

A Table of Prohibitions and Restrictions.

Gunpowder, arms, ammunition, or utensils of war; prohibited to be imported, to be used therein except from the United Kingdom, or from some other British possession; but such articles may, nevertheless, be imported in any vessels which may legally trade with the British possessions on the western coast of Africa for the purpose of being warehoused at the port of Free Town for exportation only.

Articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom.

Base or counterfeit coin.

Books first composed, or written, or printed and published in the United Kingdom wherein the copyright shall be subsisting, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing that such copyright subsists, such notice also stating when such copyright will expire; prohibited to be imported.

II. And if any goods shall be imported or brought into the said colony, contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited; and if the ship or vessel in which such goods shall be imported be of less burthen than 60 tons, such ship or vessel shall be forfeited.

III. And whereas it is expedient to extend certain of the provisions of the hereinbefore mentioned Act, of the 8th and 9th years of the reign of Her present Majesty, to the said colony, now, therefore, Her Majesty, with the advice of Her Privy Council, and in

further pursuance and exercise of the powers so vested in her as aforesaid, by the said Act of Parliament, doth order, and it is hereby ordered, that no goods shall be imported into, nor shall any goods be exported from the said colony, by sea from or to any place other than the United Kingdom or some other British possession, except into or from the port of Free Town, or such other port or ports within the said colony, as may be hereafter declared by Her Majesty in Council to be fit for such importation and exportation; and if any goods shall be imported into the said colony, contrary hereto, such goods shall be forfeited.

IV. And it is hereby further ordered that goods of any sort, or the produce of any place, not otherwise prohibited than by the Law of Navigation, may be imported into the said port of Free Town, in the said colony, from any place in a British ship, and from any place, not being a British possession in a foreign ship of any country and however navigated, to be warehoused for exportation only, under the provisions of this Order, or of any law in force, for the time being, made for the warehousing of goods; provided always, and it is hereby ordered, that it shall be declared upon the entry of such goods that they are entered for exportation only.

V. And it is hereby further ordered, that the master of every ship arriving at any port in the said colony or its dependencies, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom-House at the port of Free Town, and there make a report, in writing, to the Collector or other proper officer, of the arrival and voyage of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast, and if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods, if any, had been unladen during the voyage as far as any such particulars can be known to him; and the master shall further answer all such questions concerning the ship and cargo, and the crew and the voyage, as shall be demanded of him by such officer; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*, and if any goods be not reported, such goods shall be forfeited.

VI. And it is hereby further ordered, that no goods shall be laden, or water-borne to be laden, on board any ship, or unladen from any ship in the said colony, until due entry shall have been made of such goods, and warrant granted for the lading or unlading of the same, and the person entering any such goods shall deliver to the collector

of the Customs or other proper officer, a bill of the entry thereof, fairly written in words at length, containing the name of the exporter or importer, and of the ship and of the master and of the place to or from which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the British possessions or not, and shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill of entry shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the Collector or other principal officer shall require.

VII. And it is hereby further ordered, that the master of every ship bound from the said colony shall, before any goods be laden therein, deliver to the Collector or Comptroller, or other proper officer of Customs, an entry outwards, under his hand, of the destination of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship; and if any goods be laden on board any ship before such entry be made, the master of such ship shall forfeit the sum of £60; and before such ship depart, the master shall bring and deliver to the Collector and Comptroller, or other proper officer, a content in writing, under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any such particulars can be known to him; and the master of every ship, bound from any such possession, whether in ballast or laden, shall, before departure, come in before the Collector or Comptroller, or other proper officer, and answer all such questions concerning the ship and the cargo, if any, and the crew, and the voyage, as shall be demanded of him by such officer: and thereupon the Collector, or other proper officer, if such ship be laden, shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of 100*l*.

VIII. And it is hereby further ordered, that no entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars

of the goods and packages purporting to be the same in the report of the ship, nor unless the goods shall have been properly described in such entry, by the denominations and with the characters and circumstances according to which such goods may be imported; and any such goods taken or delivered out of any ship, or out of any warehouse, by virtue of any entry or warrant not corresponding or agreeing in all respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

IX. And whereas it is expedient to constitute and appoint the port of Free Town to be a free warehousing port for all such goods as may be legally imported under this Order, it is therefore hereby ordered, that the port of Free Town shall be a free warehousing port for all the purposes mentioned in this Order.

X. And whereas it is necessary to make regulations for the appointing proper warehouses at the port of Free Town, and for the lodging and securing therein of such goods as may be imported under this Order, it is hereby further ordered, that it shall be lawful for the Collector of Customs at the said port, with the assent of the Governor, by notice in writing under his hand, to appoint, from time to time, such warehouses at that port as shall be approved of by him, for the free warehousing and securing of goods therein for the purposes of this Order, and also in such notice to declare what sort of goods may be so warehoused, and also, by like notice, to revoke or alter any such appointment or declaration.

Provided always, that every such notice shall be transmitted to the Governor or Lieutenant-Governor of the said colony, and shall be published in such manner as he shall direct.

XI. And it is hereby further ordered, that it shall be lawful for the importer of any such goods as aforesaid into the port of Free Town, to warehouse the same in the warehouses so appointed, subject nevertheless to the rules, regulations, and conditions hereinafter contained.

XII. And it is hereby further ordered, that all goods so warehoused shall be stowed in such parts or divisions of the warehouse, and in such manner as the Collector shall direct, and that the warehouses shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations, as the Collector shall direct; and that all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried to be shipped, under such rules and regulations as the Collector shall direct.

XIII. And it is hereby further ordered, that if any goods which have been entered to be warehoused, under the provisions of this Order,

shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or, having been cleared for entry and exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer of the Customs, such goods shall be forfeited.

XIV. And it is hereby further ordered, that upon the entry and landing of any goods, to be warehoused under the provisions of this Order, the proper officer of the Customs shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouses, except upon due entry, and under the care of the proper officers.

XV. And it is hereby further ordered, that it shall be lawful for the Collector, under such regulations as he shall see fit, to permit moderate samples to be taken of any goods so warehoused.

XVI. And it is hereby further ordered, that it shall be lawful for the collector, under such regulations as he shall see fit, to permit the proprietor, or other person having control over the goods so warehoused, to sort, separate, pack, and repack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed.

XVII. And it is hereby further ordered, that all goods which have been so warehoused or re-warehoused, under the provisions of this Order, shall be duly cleared for exportation, or otherwise accounted for, within 2 years from the day of first entry for the warehousing thereof; and if any such goods be not so cleared, it shall be lawful for the Collector to cause the same to be sold, and the produce shall be applied, first, to the payment of warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor.

Provided always, that it shall be lawful for the Collector to grant further time for any such goods to remain warehoused if he shall see fit so to do.

XVIII. And it is hereby further ordered, that upon the entry outwards of any goods to be exported from the warehouse under the provisions of this Order, the person entering the same shall give security by bond, in double the value of such goods, with 2 sufficient sureties, to be approved of by the Collector, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for, to the satisfaction of the Collector.

XIX. And it is hereby further ordered, that it shall be lawful to re-import into the port of Free Town any goods which shall have been legally exported therefrom to any place on the western coast of Africa, and to enter the same by bill of store, referring to the entry outwards and exportation thereof, provided the property in such goods continue in the person by whom, or on whose account the same have been exported, and that such re-importation take place within 6 years from the date of the exportation.

XX. And it is hereby further ordered, that the person, in whose name any goods so re-imported were entered for exportation, shall deliver to the Collector, or other proper officer of the Customs, an exact account, signed by him, of the particulars of such goods, referring to the entry and clearance outwards, and to the return inwards, of the same, with the marks and numbers of the packages both inwards and outwards; and, thereupon, the said officer, finding that such goods had been legally exported, shall grant a bill of store for the same; and if the person in whose name such goods were entered for exportation was not the proprietor thereof, but his agent, he shall declare on such bill of store the name of the person by whom he was employed as such agent; and if the person to whom such return goods are consigned shall not be such proprietor and exporter, he shall make and subscribe a declaration on such bill of store, of the name of the person for whose use such goods have been consigned to him, and the real proprietor ascertained to be such, shall make and subscribe a declaration upon such bill of store, to the identity of the goods so exported and so returned, and that he was at the time of exportation and of re-importation the proprietor of such goods, and that the same had not during such time been sold or disposed of to any other person; and such declaration shall be made before the collector or other proper officer at the port of Free Town, and, thereupon, the said officer shall admit such goods to entry by bill of store, and grant his warrant accordingly.

Provided always, that where the real proprietor of any such goods shall be absent from the said colony at the time of such re-importation such goods, if legally entitled to be entered by bill of store, shall be permitted to be so entered upon production of a declaration subscribed by such real proprietor, setting forth the identity of the goods so exported and so returned, and that he was at the time of exportation from the said colony, and will be at the time of re-importation thereinto, the proprietor of such goods, and that the same have not during such time been sold or disposed of to any other person, such declaration to be made before a Collector of Customs, or before a British Consul, Vice-Consul, or other British authority residing in or near the place of residence of such real proprietor, and upon such further

proof of the identity of the goods as the Collector of Customs shall require, and upon compliance with all the other regulations required by law on the entry of goods by bill of store.

XXI. And it is hereby further ordered, that all vessels, boats, carriages, and cattle, made use of in the removal of any goods liable to forfeiture under this Order, or under any Act or Order relating to the Customs, or to trade or navigation, shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring of such goods, or to whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of 100*l.*, at the election of the officers of the Customs, and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer proceeding has elected to sue for, the sum mentioned in the information or libel shall be deemed sufficient proof of such election without any other or further evidence of such fact.

XXII. And it is hereby further ordered, that all goods and all ships, vessels, and boats, and all carriages, and all cattle, liable to forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or to navigation, shall and may be seized and secured by any officer of the Customs or navy, or by any person employed for that purpose, by or with the concurrence of the Commissioners of Her Majesty's Customs; and every person who shall in any way hinder oppose, molest, or obstruct any officer of the Customs or navy, or any person so employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, shall, for every such offence, forfeit the sum of 200*l.*

XXIII. And it is hereby further ordered, that if any officer of the Customs, or any person duly employed for the prevention of smuggling, shall make any collusive seizure or deliver up, or make any agreement to deliver up or not to seize any vessel, boat, or goods liable to forfeiture under this order, or any Order or Act relating to the Customs, or to trade or navigation, or shall take any bribe, recompense, gratuity or reward, for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of 500*l.*, and be rendered incapable of serving Her Majesty in any office whatever, and every person who shall give, or offer, or promise to give, or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid, in the said colony, to induce him in any way to neglect his duty, or to do, or conceal, or connive at anything whereby the provisions of this Order or any Order or Act relating to the Customs, or to trade or navigation may be evaded, shall forfeit the sum of 200*l.*

XXIV. And it is hereby further ordered, that all vessels, boats,

goods, and other things, which shall have been, or shall hereafter be, seized as forfeited in the said colony under this Order or any Order or Act relating to the Customs, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by law in respect to vessels, boats, goods, and other things seized and condemned for breach of any such Order or Act, unless the person from whom such vessel, boats, goods, and other things shall have been seized, or the owner of them, or some person authorized by him, shall, within 1 calendar month from the day of seizing the same give notice in writing to the person or persons seizing the same, or to the collector or other chief officer of the Customs, at the port within the said colony where the same shall have been seized, that he claims the vessel, boats, goods, or other things, or intends to claim them.

XXV. And it is hereby further ordered that under the authority of a writ of assistance granted by the Superior or Supreme Court of Justice or Court of Vice-Admiralty having jurisdiction in the said colony, which court or courts are hereby authorized and required to grant such writ of assistance, upon application made to them for that purpose by the principal officers of Her Majesty's Customs, it shall be lawful for any officer of the Customs, taking with him a peace officer, to enter any building or other place in the day-time, and to search for, and seize and secure any goods liable to forfeiture under this Order, or any Order or Act relating to the Customs or to trade or navigation, and in case of necessity to break open any doors and any chests or other packages for that purpose, and such writ of assistance when issued shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for 12 months from the conclusion of such reign.

XXVI. And it is hereby further ordered that all things which shall be seized as being liable to forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, shall be taken forthwith, and delivered into the custody of the Collector of the Customs at the port of Free Town, and after condemnation, he shall cause the same to be sold by public auction to the highest bidder.

XXVII. And it is hereby further ordered, that all penalties and forfeitures which may have been heretofore, or may be hereafter incurred under this Order, or any Order or Act relating to the Customs, or to trade or navigation, shall and may be prosecuted, sued for and recovered, in any Court of Record or of Vice-Admiralty having jurisdiction in such colony.

XXVIII. And it is hereby further ordered, that if any goods or any ship or vessel shall be seized as forfeited, under this Order, or any Order or Act relating to the Customs, or to trade or navigation,

and detained, it shall be lawful for the Judge or Judges of any Court having jurisdiction, to try and determine such seizures, to order the delivery thereof on security by bond, with 2 sufficient sureties to be first approved by the Collector of Customs, to answer double the value of the same in case of condemnation, and such bond shall be taken to the use of Her Majesty, in the name of the collector or officer of the Customs in whose custody the goods, or the ship or vessel may be lodged, and such bond shall be delivered into and kept in the custody of such collector or officer, and in case the goods or the ship or vessel shall be condemned, the value thereof shall be paid into the hands of such collector or officer, who shall thereupon cancel such bond.

XXIX. And it is hereby further ordered that no suit shall be commenced for the recovery of any penalty or forfeiture under this Order, or any Order or Act relating to the Customs, or to trade or navigation, except in the name of some superior officer of the Customs, or of some officer of the navy, or of Her Majesty's Advocate or Attorney General; and if a question shall arise whether any person is an officer of the Customs or of the Navy, *vid voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

XXX. And it is hereby ordered, that if any goods shall be seized for any cause of forfeiture under this Order, and any dispute shall arise whether the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize or stop the same.

XXXI. And it is hereby further ordered, that no claim to anything seized under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and returned into any of Her Majesty's Courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made, by the owner, or by his attorney or agent, by whom such claim shall be entered to the best of his knowledge and belief, and every person making a false oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

XXXII. And it is hereby further ordered, that no person shall be admitted to enter a claim to anything seized, in pursuance of this Order, or any Order or Act relating to the Customs, or to trade or navigation, and prosecuted in the said colony, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding 60*l.* to answer and pay the costs occasioned by such claim, and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

XXXIII. And it is hereby further ordered, that, if upon any trial a question shall arise whether any person is an officer of the Customs or Navy, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation unless sufficient proof shall be given to the contrary, and every such officer and any person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty upon the conviction of the party charged in such suit or information.

XXXIV. And it is hereby further ordered, that no writ shall be sued out against, nor a copy of any process served upon any officer of the customs or navy, or other person as aforesaid, for anything done by him in pursuance of this Order, or any Order or Act relating to the Customs, or to trade or navigation, or otherwise, in the exercise of his office, until 1 calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of action shall be produced except such as shall be stated in such notice; and in case the plaintiff shall not prove, on the trial, that such notice was given, the jury shall find for the defendant.

XXXV. And it is hereby further ordered, that every such action shall be brought within 3 calendar months after the accrual of the causes of action, and the venue shall be laid, and the cause tried in the place or district where the facts were committed, and the defendant may plead the general issue, and under it give the special matter in evidence; and whenever, in any such action, the plaintiff shall become nonsuited, or shall discontinue the action, or if a verdict shall be found, or judgment shall be given for the defendant, he shall be entitled to full costs of suit, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

XXXVI. And it is hereby further ordered, that in case any information or suit shall be brought to trial, on account of any seizure made under this Order, or any Order or Act relating to the Customs, or to trade or navigation, and a verdict shall be found for the claimant thereof, and the Judge or Court, before whom the cause shall have been tried, shall certify that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or

other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person, on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff shall not be entitled to recover, nor shall the defendant be liable for any fine, damages, or thing, beyond the things seized, or the value thereof.

XXXVII. And it is hereby further ordered, that it shall be lawful for such officer or other person as aforesaid, within 1 calendar month after such notice, to tender amends to the plaintiff or his agent, and to plead and tender in bar, with or without other pleas, and if the jury shall find the amends tendered sufficient, they shall find for the defendant, and he shall be entitled to full costs of suit, in the same manner as if he had pleaded the general issue only.

Provided always, that it shall be lawful for such defendant, by leave of the Court wherein such action shall be brought, at any time before issue joined, to pay money into Court as in other actions.

XXXVIII. And it is hereby further ordered, that in any such action, if the Judge or Court, before whom such action shall be tried, shall certify that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than 2*d.* damages, nor to any costs of suit.

XXXIX. And it is hereby further ordered, that all penalties and forfeitures recovered in the said colony under this Order, or any Order or Act, relating to the Customs, or to trade, or navigation, other than colonial ordinances, shall be paid into the hands of the Collector of Port Free Town, and shall be divided, paid, and applied as follows (that is to say): after deducting the charges of prosecution from the produce thereof, one-third part of the net produce shall be paid into the hands of the Collector of Her Majesty's Customs at the port of Free Town, for the use of Her Majesty, one-third part to the Governor or Lieutenant-Governor of the said colony, and the other third part to the person who shall seize, inform, and sue for the same, excepting such seizures as shall be made at sea by the commanders or officers of Her Majesty's ships of war duly authorized to make seizures, one moiety of which seizures, and of the penalties and forfeitures recovered thereon, first deducting the charges of prosecution from the gross produce thereof, shall be paid as aforesaid to the Collector of Her Majesty's Customs, to and for the use of Her Majesty, and the other moiety to him or them who shall seize, inform, and sue for the same, any law, custom, or usage to the contrary notwithstanding, subject, nevertheless, to such distribution of the produce of the seizures so made at sea, as well with regard to the moiety hereinbefore granted to Her Majesty, as with regard to the other moiety given to the seizer or prosecutor, as Her Majesty shall think fit to order and direct

by any Order or Orders in Council, or by any proclamation or proclamations to be made for that purpose.

XL. And it is hereby further ordered, that all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Order, or any Order or Act relating to the customs, or to trade, or navigation, may be commenced or prosecuted at any time within 3 years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding.

XLI. And it is hereby further ordered, that no appeal shall be prosecuted from any decree or sentence of any of Her Majesty's courts in the said colony touching any penalty or forfeiture imposed by this Order, or any Order or Act relating to the customs, or to trade or navigation, unless the inhibition shall be applied for, and decreed within 12 months from the time when such decree or sentence was pronounced.

XLII. And it is hereby ordered, that all persons authorized to make seizures under an Act passed in the 5th year of the reign of His Majesty King George the IVth [cap. 113], intituled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorized to make seizures under this Order. Provided, nevertheless, that all penalties and forfeitures created by this Act, passed in the 5th year of His Majesty King George IV, whether pecuniary or specific, shall (except in cases specially provided for by the said Act), go and belong to such persons as are authorized by that Act to make seizures, in such shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like manner, and by the same ways and means, and subject to the same rules and directions as any penalties and forfeitures incurred in Great Britain and in the British possessions in America, respectively, now go and belong to, and may be sued for, prosecuted, tried, recovered, and distributed, respectively, in Great Britain, or in the said colony, under and by virtue of this Order.

XLIII. And it is hereby further ordered, that it shall not be lawful for any person to re-export from the said colony to any foreign place, in any foreign ship, any coals, the produce of the United Kingdom, except upon payment of the duty to which such coals would be liable upon exportation from the United Kingdom to such foreign place, and that no coals shall be so shipped at any port or place in the said colony to be exported to any British place, until the exporter or the master of the exporting vessel, shall have given bond, with one sufficient surety, in double the value of the coals, that such coals shall not be landed at any foreign place.

XLIV. And it is hereby further ordered, that no import or other duty of customs shall be charged or payable in the said colony, or its dependencies, upon provisions or stores, of any description, imported or supplied on account of Her Majesty's Government, and at the public expense, for the use of Her Majesty's land or sea forces.

XLV. And it is hereby further ordered, that all laws, bye-laws, usages, or customs, at this time, or which hereafter shall be, in practice, or endeavoured or pretended to be in force or practice, in the said colony, which are in anywise repugnant to this Order, or to any Act of Parliament made, or hereafter to be made, in the United Kingdom, so far as such Act shall relate to the said colony, are and shall be null and void to all intents and purposes whatsoever.

XLVI. And it is hereby further ordered, that if any person shall, in the said colony, counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket, transire, or other document for the unlading, lading, entering, reporting, or clearing any ship or vessel, or for the landing, shipping, or removing of any goods, stores, baggage, or article whatever, or shall by any false statement procure any writing or document to be made for any such purposes, or shall falsely make any oath or affirmation required by this Order, or shall forge or counterfeit a certificate of the said oath or affirmation, or shall publish such certificate, knowing the same to be so forged or counterfeited, every person so offending shall, for every such offence, forfeit the sum of 200*l.*, and such penalty shall and may be prosecuted, sued for, and recovered, in like manner, and by such ways and means, as any penalty may be prosecuted, sued for, and recovered, under the provisions and directions of this Order.

XLVII. And it is hereby further ordered, that the Governor, or the officer for the time being administering the Government of the said colony, shall promulgate this present Order within 1 calendar month next after the receipt thereof by him, and this Order shall take effect from and after the date of such promulgation thereof as aforesaid, and not before.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

WM. L. BATHURST.



*LOI de la Belgique, qui fixe le Budget du Ministère des Affaires Etrangères et de la Marine, pour l'Exercice 1848.—
Laeken, le 23 Décembre, 1847.*

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, et nous sanctionnons ce qui suit :

ART. UNIQUE. Le Budget du Ministère des Affaires Etrangères est fixé, pour l'Exercice 1848, à la somme de 2,698,774 francs, conformément au tableau ci-annexé.

*TABLEAU du Budget des Affaires Etrangères pour l'Exercice
1848.*

CHAP. I.—*Administration Centrale.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Traitement du Ministre	21,000		
Traitement des Fonctionnaires, Employés et Gens de Service, sans que le per- sonnel de l'Administration Centrale puisse être rétribué sur d'autres fonds alloués au Budget	102,650		
Frais des Commissions d'Examen ..	2,000		
Pensions des Fonctionnaires, Employés et Gens de Service	19,355		
Secours à des Fonctionnaires, et Employés, à leurs Veuves ou Enfants qui, sans avoir droit à la Pension, ont des titres à un secours, à raison de leur position malheureuse	1,000		
Matériel	34,600	3,000	
Achat de Décorations de l'Ordre de Léopold, sans que l'on puisse augmenter ce chiffre par des imputations sur d'autres Articles.	10,000		
	<hr/>	<hr/>	193,605

CHAP. II.—*Traitements des Agents Diplomatiques.*

Autriche	40,000
Confédération Germanique	40,000
France	60,000
Grande-Bretagne	80,000
Pays-Bas	50,000
Italie	40,000
Prusse	50,000
Etats-Unis	25,500
Turquie	47,000
Brésil	21,000
Danemark	15,000
Espagne	15,000
Grèce	15,000
Villes Libres et Hanséatiques de Hambourg, Brême et Lubeck	15,000

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Portugal	15,000		
Sardaigne	15,000		
Suède	15,000		
	<hr/>		558,500
CHAP. III.—Traitement des Agents Consulaires, et Indemnités à quelques Agents non rétribués.. .. .	103,000		103,000
CHAP. IV.—Frais de Voyage des Agents du Service Extérieur et de l'Administration Centrale; Frais de Courriers, Estafettes, Courses Diverses.. .. .	70,500		70,500
CHAP. V.—Frais à rembourser aux Agents du Service Extérieur ..	80,000		80,000
CHAP. VI.—Missions Extraordinaires, Traitements d'Agents Politiques et Consulaires en Inactivité	30,000		
Dépenses Imprévues non libellées au Budget ..	10,000		40,000

CHAP. VII.—*Commerce.*

Ecoles de Navigation	19,000		
Chambres de Commerce	12,000		
Frais divers et Encouragements au Commerce	19,900		
Encouragements pour la Navigation à Vapeur entre les Ports Belges, et ceux d'Europe, ainsi que pour la Navigation à Voiles, sans que, dans l'un ou l'autre cas, les engagements puissent obliger l'Etat au delà du crédit alloué pour l'année 1848 et sans que les crédits puissent excéder 40,000 francs par service sauf pour le service au delà du Cap Horn	115,000		
Primes pour Construction de Navires ..	20,000		
Pêche Maritime	100,000		
	<hr/>		285,900

CHAP. VIII.—*Marine.—Bâtiments de Guerre.*

Personnel	297,471		
Vivres	148,000		
Entretien, Chauffage, et Eclairage ..	62,320		
Magasin de la Marine.. .. .	4,800		
Pilotage	462,320		
Service des Bateaux à Vapeur de l'Escaut	48,758	12,000	
Police Maritimes	35,800		
Service des Bateaux à Vapeur entre Ostende et Douvres	242,100		

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Secours Maritime	16,500		
Dotation de la Caisse de Secours et de Pré- voyance en faveur des Marins naviguant sous pavillon Belge	10,000		
Pensions Civiles et Secours	27,200		
	<hr/>		1,367,269
TOTAL.. ..		<i>Francs</i>	<hr/> 2,698,774 <hr/>

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du "Moniteur."

Donné à Laeken, le 23 Décembre, 1847.

Par le Roi :

LEOPOLD.

Le Ministre des Affaires Etrangères, C. D'HOFFSCHMIDT.

LOI de la Belgique, qui fixe le Budget de la Dette Publique, pour l'Exercice 1848.—Laeken, le 29 Décembre, 1847.

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, et nous sanctionnons ce qui suit :

ART. UNIQUE. Le Budget de la Dette Publique est fixé, pour l'Exercice 1848, à la somme de 31,813,472 francs, conformément au tableau ci-annexé.

TABLERAU du Budget de la Dette Publique, pour l'Exercice 1848.

CHAP. I.— <i>Service de la Dette.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Arrérages de l'Inscription au Grand-Livre des Rentes créées sans désignation de Capital, portée au nom de la ville de Bruxelles, en vertu de la Loi du 4 Décembre, 1842	300,000		
Arrérages de l'Inscription portée au même Grand-Livre au profit du Gouvernement des Pays-Bas, en exécution du § 1er de l'Article LXIII du Traité du 5 Novembre, 1842	846,560		
Intérêts des Capitaux inscrits au Grand-Livre de la Dette Publique, à 2½ p. c., en exécution des §§ 2 à 6 inclus de l'Article LXIII du même Traité	5,502,640		

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Frais relatifs à cette dette ..	8,000		
Intérêts de l'Emprunt de 30,000,000 de francs, à 4 p. c., autorisé par la Loi du 18 Juin, 1836	1,200,000		
Dotation de l'Amor- tissement de cet Emprunt ..	300,000		
	<hr/>	1,500,000	
Frais relatifs au paiement des Inté- rêts et à l'Amortissement du même Emprunt	8,000		
Intérêts de l'Emprunt de 50,850,800 francs, à 3 p. c., autorisé par la Loi du 25 Mai, 1838, et du Capital de 7,624,000 francs, à 3 p. c., à émettre en vertu des Lois du 1er Mai, et du 24 Décembre, 1846..	1,754,244		
Dotation de l'Amor- tissement de cet Emprunt ..	584,748		
	<hr/>	2,338,992	
Frais relatifs au paiement des Inté- rêts et à l'Amortissement du même Emprunt ..	39,000		
Intérêts de l'Emprunt de 86,940,000 francs, à 5 p.c., autorisé par la Loi du 26 Juin, 1840	4,347,000		
Dotation de l'Amor- tissement de cet Emprunt ..	869,400		
	<hr/>	5,216,400	
Frais relatifs au paiement des Inté- rêts et à l'Amortissement du même Emprunt	130,000		
Intérêts de l'Emprunt de 28,621,718 francs à 5 p. c. autorisé par la Loi du 29 Septem- bre, 1842 ..	1,431,085		
Dotation de l'Amor- tissement de cet Emprunt ..	286,217		
	<hr/>	1,717,303	
Frais relatifs au paiement des Inté- rêts et à l'Amortissement dudit Emprunt	45,000		
Intérêts à 4½ p. c. sur un capital de 95,442,832 francs, montant des obligations dont l'émission a été autorisée par la Loi du 21 Mars, 1844, " Bulletin Officiel, No, 42."	4,294,927		
[1848—49.]		O	

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Dotation de l'Amor- tissement de cette Dette	954,428			
		5,249,855		
Frais relatifs au paiement des Inté- rêts et à l'Amortissement de la même Dette (Article II de la Loi du 21 Mars, 1844.) ..		15,000		
Intérêts de l'Emprunt de 84,656,000 francs, à 4½ p. c., autorisé par la Loi du 22 Mars, 1844. " Bulletin Officiel, No. 44."	3,809,520			
Dotation de l'Amor- tissement de cet Emprunt à ½ p. c., du capital ..	423,280			
		4,232,800		
Frais relatifs au paiement des Inté- rêts et à l'Amortissement du même Emprunt (Article II de la Loi du 22 Mars, 1844) ..		13,000		
Intérêts et Frais présumés de la Dette Flottante		750,000		
Rentes Viagères		5,665		
Intérêts à payer aux Anciens Conces- sionnaires de la Sambre canalisée		..	6,765	
Indemnité annuelle pour Travaux à exécuter au Canal de Ter- neuzen (Articles XX et XXIII du Traité du 5 Novembre, 1842)		105,280		
Rachat des Droits de Fanal men- tionnés au § 2 de l'Article XVIII du Traité du 5 No- vembre, 1842		164		
				<u>28,041,466</u>

CHAP. II.—*Rémunérations.*

Anciennes Pensions Ecclésiastiques tiercées ..	185,000		
Pensions Civiles et autres accordées avant 1830 ..	110,000		
Pensions Civiques ..	150,000		
Pensions Militaires et Pensions des Indes	2,248,000		
Pensions de l'Ordre Léopold ..	23,000		
Pensions des Veuves et Orphelins de l'An- cienne Caisse de Retraite ..	525,000		
Arriérés de Pensions de toute nature ..	5,000		
		2,271,000	970,000

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Remboursement à faire au Trésor Néerlandais, en exécution du § 7 de l'Article LXVIII du Traité du 5 Novembre, 1842, pour arrérages de Pensions du 1er Janvier au 31 Décembre, 1848 .. .. .	..	11,005	
Traitements d'Attente (<i>Wachtgelden</i>) ..	28,000		
Traitements ou Pensions Supplémentaires (<i>Toelagen</i>) ..	17,000		
Secours annuels (<i>Jaar- lijksche Onderstan- den</i>)	5,000		
		50,000	
			3,302,005

CHAP. III.—*Fonds de Dépôt.*

Intérêts des Cautionnements versés en numéraire dans les Caisses de l'Etat pour la garantie de leurs gestions respectives, par des Fonctionnaires Comptables de l'Etat, par des Receveurs Communaux, des Receveurs des Bureaux de Bienfaisance, par des préposés de l'Administration du Chemin de Fer, par des Offi- ciers payeurs et divers préposés de l'administration de l'Armée, des Courtiers, des Agents de Change, etc., soumis à fournir un Cautionnement; et par des Con- tribuables, des Négociants, des Commissionnaires, etc., pour garantie du paiement de droits de Douanes d'Accises, etc., dont ils pourraient être éventuelle- ment redevables ..	394,000		
Arriéré des Intérêts sur des Exercices clos	6,000		
	394,000	6,000	
Intérêts des Consignations faites dans les Caisses de l'Etat ..	70,000		
(Les crédits portés au présent Chapi- tre ne sont point limitatifs.)			470,0 0
TOTAL du Budget de la Dette Publique ..	<i>Francs</i>		31,813,472

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du "Moniteur."

Donné à Laeken, le 29 Décembre, 1847.

Par le Roi :

LEOPOLD.

Le Ministre des Finances, VEYDT.

*LOI de la Belgique, qui fixe les Budgets des Finances, des Non-Valeurs, et Remboursements, pour l'Exercice 1848.—
Laeken, le 29 Décembre, 1847.*

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, et nous sanctionnons ce qui suit :

ARTICLE UNIQUE. Le Budget du Ministère des Finances est fixé, pour l'Exercice 1848, à la somme de 13,031,450 francs, et celui de Non-valeurs et Remboursements, à la somme de 1,951,000 francs, conformément aux tableaux ci-annexés.

TABLEAU du Budget des Finances pour l'Exercice 1848.

CHAP. I.—Administration Centrale.

	Francs.	Francs.	Francs.
Traitement du Ministre	21,000		
Traitement des Fonctionnaires et Employés, sans que le Personnel de l'Administration Centrale puisse être rétribué sur d'autres fonds alloués par la Loi du Budget .. 497,000			
Travail Extraordinaire .. 4,000			
	<hr/> 501,000		
Frais de Tournées	8,000		
Matériel	40,000		
Service de la Monnaie	7,200		
Multiplication des Coins de Mon- nayage, confection de Viroles brisées, et Frais de Comptage..	10,000		
Magasin Général des Papiers ..	133,500		
Rédaction de Documents Statistiques	11,000		
Publication de ces Documents ..	9,800		
Achat de Matières et Frais de fabri- cation de pièces de cuivre ..	..	
Frais de Rédaction et de Publication d'une Statistique Financière de 1830 à 1847	8,000	100,000	
	<hr/>		849,500

CHAP. II.—Administration du Trésor dans les Provinces.

Traitement des Directeurs ..	86,550		
Cassier Général de l'Etat ..	250,000	<hr/>	336,550

CHAP. III.—Administration des Contributions Directes, Douanes et Accises.

Surveillance Générale. (Traitements.)	357,500		
Service de la Conservation du Ca- dastre. (Traitements.) ..	300,300		
Service des Contributions Directes et de comptabilité Traitements fixes	631,600		
Remises et Indemnités	1,658,500		

	<i>Frànca.</i>	<i>Franca.</i>	<i>Francs.</i>
Service des Douanes. (Traitements.)	4,107,200		
Service de la Recherche Maritime. (Traitements.)	61,600		
Service des Accises. (Traitements.)..	709,700		
Service des Poids et Mesures. (Traite- ments)	49,900		
Service de la Garantie des Matières et Ouvrages d'Or et d'Argent ..	49,700		
Honoraires fixes des Avocats de l'Ad- ministration	40,000		
Suppléments de Traitements ..	24,970		
Frais de Bureau et de Tournées ..	164,540		
(Les Crédits Portés aux Articles I à XII inclusivement du pré- sent Chapitre, pourront être réunis et transférés de l'un de ces Articles sur les autres, selon les besoins qui résulteront de la mise à exécution de l'Arrêté Royal du 31 Décembre, 1846, No. 1 (" Moniteur," du 7 Jan- vier, 1847, No. 7), réglant l'or- ganisation de l'administration des contributions dans les pro- vinces.)			
Indemnités et primes	261,200		
Police Douanière	5,000		
Matériel	138,000		
Frais Généraux d'Administration de l'Entrepôt d'Anvers ..	31,000		
Exécution des Travaux et acquisition du Matériel nécessaire à l'effet de garantir l'Entrepôt d'Anvers con- tre les dangers de l'Incendie ..	..	30,000	
	<hr/>		8,620,710

CHAP. IV.—*Administration de l'Enregistrement et des Domaines,*

Traitement du Personnel de l'Enregis- trement	356,290		
Traitement du Personnel du Timbre	54,700		
Traitement du Personnel du Domaine	82,500		
Traitement du Personnel Forestier	241,900		
Remises des Receveurs.—Frais de Per- ception	849,000		
Remises des Greffiers	46,000		
Frais de Bureau des Directeurs ..	20,000		
Matériel	31,000		
Frais de Poursuites et d'Instances ..	55,000		
Dépenses du Domaine	78,300		
Palais de Bruxelles et de Tervueren	21,000		
Service des Plantations	50,000	<hr/>	1,885,690

CHAP. V.

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Pensions Civiles et Arriérés de Pen-			
sions Civiles	1,320,000		
Secours	5,000		
		————	1,825,000

CHAP. VI.

Dépenses Imprévues non libellées			
au Budget	14,000		14,000
			————
Total		<i>Francs</i>	13,031,450
			————

TABLEAU du Budget des Non-valeurs et Remboursements pour l'Exercice 1848.

CHAP. I.—*Non-Valeurs.*

Non-valeurs sur le Foncier	300,000	
Non-valeurs sur l'Impôt Personnel	370,000	
Non-valeurs sur les Patentes	80,000	
Décharge ou remise aux Bateliers en non-activité ..	30,000	
Non-valeurs sur les Redevances des Mines. . .	16,000	
(Les Crédits portés au présent Chapitre ne sont point limitatifs.)	————	796,000

CHAP. II.—*Remboursements.*

Restitution de Droits et Amendes, et Intérêts y relatifs, de Frais d'Adjudication et de Façon d'Ouvrages brisés.	30,000	
Restitution d'Impôts, Péages, Capitaux, Revenus, Remboursements, Amendes et Payements d'Intérêts; Frais d'Adjudication et Charges des Successions vacantes ou en déshérence, etc. . .	250,000	
Remboursement de Postes aux Offices Etrangères ..	75,000	
Remboursement du péage sur l'Escaut	800,000	
Déficit de Comptables anciens et nouveaux, (pour Mémoire.)	————	1,155,000
(Les Crédits portés au présent Chapitre ne sont point limitatifs.)		
TOTAL.	<i>Francs.</i>	1,951,000
		————

Donné à Laeken, le 29 Décembre, 1847.

Par le Roi :

LEOPOLD.

Le Ministre des Finances, VIEL.

LOI de la Belgique, qui fixe le Budget du Département de l'Intérieur, pour l'Exercice 1848.—Bruxelles, le 1 Janvier, 1848.

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté et nous sanctionnons ce qui suit :

ARTICLE UNIQUE. Le Budget du Ministère de l'Intérieur est fixé pour l'Exercice 1848, à la somme de 6,315,962 francs, conformément au tableau ci-annexé.

TABLEAU du Budget de l'Intérieur pour l'Exercice 1848.

CHAP. I.—Administration Centrale.

	<i>Personnel.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Traitement du Ministre		21,000		
Traitements des Fonctionnaires, Employés et Gens de Service, sans que le personnel de l'Administration Centrale puisse être rétribué sur d'autres Crédits alloués au Budget		202,050		
<i>Matériel.</i>				
Fournitures de Bureau, Impressions, Achats et Réparations de Meubles, Eclairage, Chauffage et menues dépenses ..		30,000		
<i>Frais de Déplacement.</i>				
Frais de Route et de Séjour, Courriers Extraordinaires		3,500		
				250,550

CHAP. II. —Pensions et Secours.

Pensions	150,000		
Secours, à d'anciens Employés Belges aux Indes, ou à leurs Veuves	5,000		
Secours à d'anciens Fonctionnaires et Employés ou à leurs Veuves, qui, sans avoir droit à la Pension, ont néanmoins des titres à l'obtention d'un secours, à raison de leur position malheureuse ..	7,000		
			162,000

CHAP. III.—Statistique Générale.

Frais de Publication des Travaux de la division de Statistique Générale, de la Commission Centrale, ainsi que des Commissions Provinciales	24,050		
Complément des Frais d'exécution, de Rédaction et de Publication relatifs au Recensement Général de la Population, de l'Agriculture et de l'Industrie ..		75,000	
			99,050

CHAP. IV.—*Frais d'Administration dans les Provinces.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Province d'Anvers	97,000		
„ de Brabant	105,975		
„ de la Flandre Occidentale ..	98,250		
„ de la Flandre Orientale ..	100,200		
„ de Hainaut	109,470		
„ de Liège	100,190	4,500	
„ de Limbourg	85,697		
„ de Luxembourg	89,700		
„ de Namur	88,400		
Frais de Bureaux spéciaux à établir dans les Gouvernements Provinciaux ..	25,000		
	—		904,382

CHAP. V.—*Frais de l'Administration dans les Arrondissements.*

Traitements des Commissaires d'Arrondisse- ment	191,100		
Emoluments pour Frais de Bureau ..	112,772		
Frais de Route et de Tournées	22,500		
	—	—	326,372

CHAP. VI.—*Voirie Vicinale.*

Encouragements divers pour l'améliora- tion de la Voirie Vicinale	300,000		300,000
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CHAP. VII.—*Fêtes Nationales.*

Frais de Célébration des Fêtes Nationales	30,000	..	30,000
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CHAP. VIII.—*Eaux de Spa.*

Frais de Réparation des Monuments de la Commune de Spa	20,000		20,000
-----------------------------------------------------------------	--------	--	--------

CHAP. IX.—*Construction et Restauration d'Hôtels Provinciaux.*

Deuxième tiers d'une somme de 400,000 francs, pour la restauration du Palais de Liège	133,000	133,000
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CHAP. X.—*Révision des Listes Electorales.*

Frais d'exploits relatifs aux Appels inter- jetés d'Office par les Commissaires d'Arrondissement en vertu de l'Art. VII de la Loi du 1 Avril, 1843	500		500
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CHAP. XI.—*Milice.*

Frais d'Impression des Listes Alphabétiques et des Registres d'Inscription ..	1,600		
Vacations des Officiers de Santé en matière de Milice.—Primes pour Arrestation de Refractaires	7,000		
	—	—	8,600

CHAP. XII.—*Garde Civique.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Frais de Voyage de l'Inspecteur-Général de la Garde Civique, des Aides-de-camp qui l'accompagnent, et Frais de Bureau de l'Etat-Major; Achat, Réparations et Entretien des Armes et Equipements de la Garde Civique	20,000	..	20,000

CHAP. XIII.—*Récompenses Honorifiques et Pécuniaires.*

Médailles ou Récompenses pécuniaires pour actes de dévouement et de courage ..	8,200	..	8,200
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CHAP. XIV.—*Légion d'Honneur et Croix de Fer.*

Dotation en faveur de Légionnaires et de Veuves de Légionnaires; et Pensions de 100 francs par personne aux décorés de la Croix de Fer, peu favorisés de la fortune; subsides à leurs Veuves et Orphelins	90,000		
Subside au fonds spécial des Blessés de Septembre .. .. .	..	25,000	
		<hr/>	115,000

CHAP. XV.—*Ecole de Médecine Vétérinaire, etc.*

Ecole de Médecine Vétérinaire et d'Agriculture de l'Etat.—Jury d'Examen ..	153,500		
Subside à la Société d'Horticulture de Bruxelles	24,000		
	<hr/>	<hr/>	177,500

CHAP. XVI.—*Agriculture.*

Indemnités pour Bestiaux abattus	200,000		
Service Vétérinaire.—Conseil Supérieur et Commissions Provinciales d'Agriculture	103,500		
Encouragements à l'Agriculture.. ..	292,800		
Frais des Courses de Chevaux du Gouvernement et Subsides à des Sociétés de Courses	29,200		
Récompenses à allouer aux Agents de la Force Publique qui se distinguent par leur zèle à constater des délits de chasse.. .. .	3,000		
	<hr/>	32,200	<hr/>
			628,500

CHAP. XVII.—*Industrie. Dépenses diverses pour le soutien et le développement de l'Industrie.*

Encouragements à l'Industrie	65,000	150,000	
Primes et Encouragements aux Arts Mécaniques et à l'Industrie, aux termes de la Loi du 25 Janvier, 1817, No. 6, sur les Fonds provenant des Droits de Brevets, publications de Brevets, Frais d'Administration (<i>Personnel et Matériel</i>)	17,300		
Musée de l'Industrie Nationale	40,000		
	<hr/>	<hr/>	272,300

CHAP. XVIII.—*Instruction Publique.**Enseignement Supérieur.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Traitement des Fonctionnaires et Employés des 2 Universités de l'Etat.—Bourses.—Matériel	681,800		
Frais des Juries d'Examen pour les Grades Académiques	92,000		
Dépenses du Concours Universitaire ..	15,000		

Enseignement Moyen.

Frais d'Inspection des Athénées et Colléges, partie des Frais du Concours ..	10,000		
Subsides Annuels aux Etablissements d'Enseignement Moyen et Industriel (Ecoles de Gand et de Verviers), autres que les Ecoles d'Arts et Métiers et les Ateliers d'Apprentissage, partie des Frais du Concours	210,000		
Indemnités aux Professeurs démissionnés des Athénées et des Colléges ..	5,000		

Enseignement Primaire.

Frais d'Administration. Inspection Civile. Service annuel ordinaire de l'Instruction Primaire Communale, et Subsides aux Communes. Matériel. Construction, réparation et ameublement d'Ecoles. Encouragements. Subsides à des Etablissements spéciaux. Enseignement Normal. Ecoles primaires Supérieures	1,146,658		
Subsides pour l'Enseignement à donner aux Sourds-muets et aux Aveugles ..	20,000		
			<hr/> 2,130,458

CHAP. XIX.—*Lettres et Sciences.*

Encouragements, Souscriptions, Achats. Publication des Chroniques Belges inédites et des Documents rapportés d'Espagne. Exécution et Publication de la Carte Géologique	56,000	12,000	
Académie Royale des Sciences, des Lettres et des Beaux-Arts.	40,000		
Observatoire Royal	24,000		
Bibliothèque Royale	65,000		
Musée Royal d'Histoire Naturelle. Seconde Moitié des Frais d'Etablissement d'Armoires et d'Appropriation des Galeries de ce Musée	14,000	12,500	
Subside à l'Association des Bollandistes pour la Publication des Acta Sanctorum ..		6,000	
Archives du Royaume. Frais d'Administration (Personnel et matériel) ..	26,350		
Frais de Publication des Inventaires des Archives	4,000		

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Archives de l'Etat dans les Provinces ; Frais de Recouvrement de Documents provenant des Archives, tombés dans des mains privées ; Frais de copies de Documents concernant l'Histoire Na- tionale	15,000		
Location de la Maison servant de succur- sale au Dépôt des Archives de l'Etat..	..	..	278,350
	<hr/>	<hr/>	

CHAP. XX.—*Beaux-Arts.*

Encouragements, Souscriptions, Achats. Concours de Composition Musicale. Pensions des Lauréats. Académies et Ecoles des Beaux-Arts, autres que l'Aca- démie d'Anvers. Concours de Peinture, de Sculpture, d'Architecture et de Gravure. Pensions des Lauréats. Ecole Royale de Gravure	112,500	12,000	
Académie Royale d'Anvers. Subaide ..	23,000	6,000	
Conservatoire Royal de Musique de Bruxelles	45,000		
Conservatoire Royal de Musique de Liège. .	19,000		
Musée Royal de Peinture et de Sculpture. .	15,000		
Musée Royal d'Armes, d'Armures et d'An- tiquités	15,000		
Entretien du Monument de la Place des Martyrs, des Jardins et des Arbustes. Salaire des Gardiens	2,000		
Dernier septième, pour l'exécution de la Statue Equestre de Godefroid de Bouil- lon. Piédestal de cette Statue ..	..	25,000	
Monuments à élever aux Hommes Illustres de la Belgique, avec le concours des Villes et des Provinces ; Médailles à consacrer aux événements mémorables	10,000		
Subsides aux Provinces, aux Villes et aux Communes dont les ressources sont in- suffisantes pour la restauration des Monuments. Commission Royale des Monuments	36,000	5,000	
Exposition Nationale des Beaux-Arts ..	..	20,000	
	<hr/>	<hr/>	347,500

CHAP. XXI.—*Service de Santé.*

Frais des Commissions Médicales Provin- ciales, Police Sanitaire, et service des Epidémies	39,500		
Encouragements à la Vaccine. Service Sani- taire des Ports de Mer et des Côtes. Subsides aux Elèves Sages-Femmes. Subsides aux Communes en cas d'Epi- démies ; Impressions et Dépenses im- prévues	18,300	5,000	
Académie Royale de Médecine	25,000		
	<hr/>	<hr/>	87,800

CHAP. XXII.

	<i>Francs.</i>		<i>Francs.</i>
Dépenses Imprévues non libellées au Budget	9,900	..	9,900
TOTAL	..	<i>Francs</i>	6,315,962

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du "Moniteur."

Donné à Bruxelles, le 1 Janvier, 1848.

Par le Roi :

LEOPOLD.

Le Ministre de l'Intérieur, CH. ROGIER.

LOI de la Belgique, qui fixe le Budget des Dotations pour l'Exercice 1848.—Laeken, le 31 Décembre, 1847.

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté et nous sanctionnons ce qui suit :

ARTICLE UNIQUE. Le Budget des Dotations est fixé, pour l'Exercice 1848, à la somme de 3,391,872 francs, conformément au tableau ci-annexé.

TABLERAU du Budget des Dotations pour l'Exercice 1848.

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
CHAP. I.—Liste Civile (<i>Mémoire</i>)	2,751,322		2,751,322
CHAP. II.—Sénat	30,000	10,000	40,000
CHAP. III.—Chambre des Représentants	438,650		438,650
CHAP. IV.— <i>Cour des Comptes.</i>			
Membres de la Cour	58,000		
Personnel des Bureaux	81,000		
Matériel, Dépenses Diverses, Loyer du Local Provisoire	16,900	2,000	
Pensions	4,000		
			161,900
TOTAL du Budget des Dotations ..		<i>Francs</i>	3,391,872

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du "Moniteur."

Donné à Laeken, le 31 Décembre, 1847.

Par le Roi :

LEOPOLD.

Le Ministre des Finances, VEYDT.

LOI de la Belgique, qui fixe le Budget du Département de la Guerre, pour l'Exercice 1848.—Laeken, le 1 Janvier, 1848.

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, et nous sanctionnons ce qui suit :

ART. UNIQUE. Le Budget du Ministère de la Guerre est fixé, pour l'Exercice 1848, à la somme de 28,690,000 francs, conformément au tableau ci-annexé.

TABLEAU du Budget du Département de la Guerre pour l'Exercice 1848.

CHAP. I.—*Administration Centrale.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Traitement du Ministre	21,000		
Traitement des Employés	160,000		
Supplément aux Officiers et autres Militaires Attachés au Département de la Guerre	17,000		
Matériel du Ministère	40,000		
Dépôt de la Guerre	19,000	15,000	
Secours à d'anciens Militaires et Employés du Département de la Guerre, à des Veuves et Enfants Mineurs ..	10,000		
Frais de Route et de Séjour du Ministre	5,000		
			287,000

CHAP. II.—*Soldes et Masses.—Frais Divers des Corps.*

Section I.—Solde de l'Etat-Major.

Etat-Major Général	595,000		
Etat-Major des Provinces et des Places ..	277,842		
Service de l'Intendance Militaire ..	110,644		
Service de Santé et administration des Hôpitaux	340,404		
Indemnités aux Généraux, aux Commandants des Corps et Officiers dans une position spéciale	22,000		
			1,345,890

Section II.—Solde et Habillement des Diverses Armes.

Infanterie	9,317,098	23,902	
Cavalerie	2,977,607	1,393	
Artillerie	2,544,121	10,878	
Génie	698,000		
Gendarmerie	1,658,983	149,016	
			17,381,000

Section III.—Masses des Corps, Frais Divers et Indemnités.

Masse de Pain	1,558,517
Masse de Fourrages	2,952,000
Masse d'entretien du Harnachement.	
Traitement et Ferrure des Chevaux	67,000
Masse de renouvellement de la Buffleterie et du Harnachement	154,500
Masse de Casernement des Chevaux ..	81,000

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Masse de Casernement des Hommes ..	625,328		
Frais de Route et de Sejour des Officiers	86,000		
Transports Généraux et autres ..	70,000		
Primes de Rengagement	2,000		
Chauffage et Eclairage des Corps de Garde	60,000		
Vivres de Campagne aux Camps, Loge- ment et Nourriture	421,000		
Remonte	389,470		
Frais de Bureau et d'administration de Corps	328,000		
	<hr/>	<hr/>	6,794,815

CHAP. III.—*Ecole Militaire.*

Traitement et Indemnités	35,425		
Enseignement	69,049		
Solde des Elèves	49,719		
Dépenses d'Administration	23,729		
	<hr/>	<hr/>	177,925

CHAP. IV.—*Matériel du Service de Santé et des Hôpitaux.*

Pharmacie Centrale	120,000		
Solde, Supplément de Solde et Pain des Malades	507,675		
Loyer des Bâtiments, Réparations ..	13,500		
	<hr/>	<hr/>	641,175

CHAP. V.—*Matériel de l'Artillerie et du Génie.*

Matériel de l'Artillerie	501,573	38,427	
Matériel du Génie	752,000	400,000	
	<hr/>	<hr/>	1,692,000

CHAP. VI.—*Traitements Divers et Pensions.*

Traitements Temporaires, de Disponi- bilité, de Non-activité, de Réforme, &c.	272,484		
Traitements des Aumôniers	32,500		
Traitements d'Employés temporaires ..	2,500		
Pensions Civiles	15,000		
Pensions de Militaires décorés sous l'ancien Gouvernement, et secours sur les Fonds de Waterloo ..	21,215		
	<hr/>	<hr/>	343,700

CHAP. VII.—Dépenses imprévues non libellées au Budget	44,993		44,993
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TOTAL du Budget du Ministère de la Guerre .. *Francs* 28,690,000

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du "Moniteur."

Donné à Laeken, le 1 Janvier, 1848.

Par le Roi:

LEOPOLD.

Le Ministre de la Guerre, BARON CHAZAL.

LOI de la Belgique, qui fixe le Budget Général des Voies et Moyens pour l'Exercice 1848.—Laeken, le 31 Décembre, 1847.

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté et nous sanctionnons ce qui suit :

ART. I. Les impôts directs et indirects existants au 31 Décembre, 1847, en principal et centimes additionnels ordinaires et extraordinaires, tant pour le fonds de non-valeurs qu'au profit de l'Etat, ainsi que la taxe des barrières, seront recouvrés, pendant l'année 1848, d'après les lois et les tarifs qui en règlent l'assiette et la perception.

Le principal de la contribution foncière est réparti entre les provinces pour l'année 1848, conformément à la Loi du 7 Février, 1845 (Bulletin Officiel, No. 4.)

II. D'après les dispositions qui précèdent, le Budget des Recettes de l'Etat, pour l'Exercice, 1848, est évalué à la somme de 117,612,250 francs ; les recettes spéciales provenant des ventes des biens domaniaux, autorisées en vertu de la Loi du 3 Février, 1843, à la somme de 800,000 francs, et les recettes pour ordre à celle de 15,171,500 francs, le tout conformément aux tableaux ci-annexés.

TABLEAU du Budget des Voies et Moyens pour l'Exercice 1848.

IMPOTS.

Contributions Directes, Douanes, et Accises.

	<i>Franca.</i>	<i>Franca.</i>	<i>Franca.</i>
Foncier :			
Principal	15,500,000		
5 centimes additionnels ordinaires, dont 2 pour non-valeurs	775,000		
10 centimes additionnels extraordinaires	1,550,000		
3 centimes additionnels supplémentaires sur le tout	534,750		
	<hr/>	18,359,750	
Personnel :			
Principal	8,364,000		
10 centimes additionnels extraordinaires	836,400		
	<hr/>	9,200,400	
Patentes :			
Principal	2,815,000		
10 centimes additionnels extraordinaires	281,500		
	<hr/>	3,096,500	

Redevances sur les Mines:	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Principal	156,000		
10 centimes ordinaires pour non-valeurs	15,600		
5 centimes sur les 2 sommes précédentes pour Frais de Perception	8,580		
	<hr/>	180,180	
Donanes:			
Droits d'Entrée. (16 centimes additionnels)	10,500,000		
Droits de Sortie. (16 centimes additionnels)	470,000		
Droits de Transit. (16 centimes additionnels)	70,000		
Droits de Tonnage. (16 centimes additionnels)	500,000		
Timbres	37,000		
	<hr/>	11,577,000	
Droit de Consommation sur les Boissons distillées		920,000	
Accises:			
Sel. (Sans additionnels)	4,800,000		
Vins Etrangers. (26 centimes additionnels et Timbres collectifs)	2,000,000		
Eaux-de-vie Etrangères (sans additionnels)	200,000		
Eaux-de-vie Indigènes (sans additionnels)	3,500,000		
Bières et Vinaigres (26 centimes additionnels et Timbres collectifs)	6,500,000		
Sucres	3,000,000		
Timbres sur les Quittances	5,000		
Timbres sur les Permis de Circulation	1,000		
	<hr/>	20,006,000	
Garantie:			
Droits de Marque des Matières d'Or et d'Argent		140,000	
Recettes Diverses:			
Droits d'Entrepôt, y compris ceux de l'Entrepôt d'Anvers	190,000		
Recettes extraordinaires et accidentelles	10,000		
	<hr/>	200,000	

*Enregistrement et Domaines.***Droits, additionnels et amendes y relatives:**

Enregistrement. (30 p. c. additionnels)	10,600,000
Greffe. (30 p. c. additionnels)	300,000
Hypothèques. (26 p. c. additionnels)	1,700,000

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Successions. (30 p. c. additionnels)	5,000,000		
Timbre (sans additionnels) ..	3,000,000		
Amendes	150,000		
	<hr/>	20,750,000	

Recettes Diverses :

Indemnités payées par les Militiens pour remplacement et pour décharges responsabilité de remplacement ..	70,000		
Amende en matière de simple Police, Civile, Correctionnelle, &c.	140,000		
Produits des Examens ..	70,000		
Produits des Brevets d'Invention	20,000		
Produits des Diplômes des Artistes Vétérinaires ..	100		
	<hr/>	300,100	
		<hr/>	84,729,930

PEAGES.**Domaines :**

Produits des Canaux et Rivières appartenant au Domaine, Droits d'Ecluse, Ponts, Navigation	875,000		
Produits de la Sambre canalisée	700,000		
Produits du Canal de Charleroy	1,525,000		
Produits du Canal de Mons à Condé	110,000		
Produits des Droits de Bacs et Passages d'Eau	90,000		
Produits des Barrières sur les Routes de 1re et de 2de Classe	2,000,000		
	<hr/>	5,300,000	

Travaux Publics.**Postes :**

Taxe des Lettres et Affranchissements	3,300,000		
Port des Journaux et Imprimés	135,000		
Droits sur les Articles d'Argent	25,000		
Rembourcements d'Offices Etrangers	115,000		
Emoluments perçus en vertu de la Loi du 19 Juin, 1842 ..	50,000		
	<hr/>	3,625,000	

MARINE.

Produits du Service des Bateaux à vapeur entre Ostende et Douvres	312,000		
	<hr/>	9,237,000	

CAPITAUX ET REVENUS.

	<i>Travaux Publics.</i>		<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Chemin de Fer.. .. .	16,000,000				
Produit des Cartes de Circulation dans les Stations et sur le Che- min de Fer	10,000				
Le Gouvernement est autorisé à fixer le prix de ces Cartes par disposition royale.	—		16,010,000		
<i>Enregistrement et Domaines.</i>					
Rachat et Transfert de Rentes, y compris l'aliénation des Rentes constituées	9,000				
Capitaux du Fonds de l'Industrie ..	120,000				
Capitaux de Créances Ordinaires ..	565,000				
Prix de Vente d'Objets Mobiliers; Transactions en matière Doma- niale; Dommages et Intérêts; Successions en Déshérence; Epaves	200,000				
Prix de Vente de Domaines, en vertu de la Loi du 27 Décembre, 1822, payés en numéraire, en suite de la Loi du 28 Décembre, 1835, pour l'exécution de celle du 27 Décembre, 1822, et des Lois des 30 Juin, 1840, 18 Mai, 1845, et 27 Février, 1846	500,000				
Prix de Coupes de Bois, d'Arbres et de Plantations; Vente d'Herbes; Extraction de Minéral de Fer, de Terre et de Sable	1,100,000				
Fermages de Biens-fonds et Bâti- ments, de Chasses et de Pêches; Arrérages de Rentes; Revenus des Domaines du Département de la Guerre	400,000				
Produits de l'Ecole Vétérinaire et d'Agriculture	60,000				
Intérêts de Créances du Fonds de l'Industrie et de Créances Ordi- naires	180,000				
Restitutions et Dommages-Intérêts en Matière Forestière	100				
Restitutions Volontaires	100				
Abonnements au "Moniteur" et au Recueil des Lois"	29,000				
	—		3,163,200		
<i>Trésor Public.</i>					
Produits Divers des Prisons (Pistoles, Cantines, Vente de vieux Effets)	85,000				

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Intérêts de 13,438 obligations de l'Emprunt de 30,000,000 francs à 4. p. c., provenant de l'emploi de l'Encaisse de l'Ancien Caissier-Général, sans préjudice aux Droits envers le même Caissier, dont il est fait réserve expresse	537,520		
Intérêts des Capitaux tenus en réserve jusqu'à la liquidation définitive des Créances mentionnées à l'Art. LXIV du Traité conclu entre la Belgique et le royaume des Pays-Bas, le 5 Novembre, 1842	299,500		
Produits de l'Emploi des Fonds de Cautionnements et Consignations	570,000		
Produits des Actes des Commissariats Maritimes	35,800		
Produits des Droits de Pilotage et de Fanal	625,000		
Produits de la Fabrication de Pièces de cuivre	145,000		
	<hr/>	2,297,820	
		<hr/>	21,471,020

REMBOURSEMENTS.

Contributions Directes, &c.

Prix d'Instruments fournis par l'Administration des Contributions, &c.	1,000		
Frais de Perception des Centimes Provinciaux et Communaux ..	90,000		
	<hr/>	91,000	

Enregistrement et Domaines.

Recouvrements de Reliquats de Comptes arrêtés par la Cour des Comptes	50,000		
Bénéfice éventuel produit par la Fonderie de Canons à Liège, sur la Fabrication d'Armes de Guerre à exporter pour l'Etranger ..	25,000		
Avances faites par le Ministère des Finances :			
Frais de Poursuites et d'Instances	5,000		
Recouvrements sur les Communes, les Hospices et les Acquéreurs de Bois Domaniaux, pour Frais de Régie de leurs Bois	145,000		
Frais de Perceptions faites pour le Compte de Tiers ..	6,000		
Frais de Perceptions faites pour le Compte des Provinces ..	7,000		
Avances faites par le Ministère de la Justice :			
Frais de Justice en Matière Cri-			

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
minelle, Correctionnelle, de Simple Police, &c. ..	160,000		
Frais d'Entretien et de Transport de Mendians, d'Indigents, d'Enfants trouvés, &c.	1,000		
Avances faites par le Ministère de l'Intérieur :			
Frais de Justice devant les Conseils de Discipline de la Garde Civique	100		
Pensions à payer par les Elèves de l'Ecole Militaire ..	47,600		
Annuités à payer par les Propriétaires Riverains du Canal de la Campine, 1re et 2e Sections, du Canal d'Embranchement vers Turnhout et de la 1re Section du Canal de Zelzaete	80,000		
	<hr/>	526,700	

Trésor Public.

Recouvrement d'avances faites par le Ministère de la Justice aux Ateliers des Prisons, pour achat de Matières Premières	978,400		
Recettes Accidentelles	200,000		
Versements à faire par les Sociétés Anonymes, les Concessionnaires des Chemins de Fer, de Routes, de Canaux, et de Ponts ..	198,600		
Abonnement des Provinces pour Réparations d'Entretien dans les Prisons	19,600		
Chemin de Fer Rhénan.—Dividendes de 1848	160,000		
	<hr/>	1,556,600	
		<hr/>	2,174,300
TOTAL.		<i>Francs</i>	117,612,250

Fonds Spécial.

Produits des Ventes de Biens domaniaux autorisées par la Loi du 3 Février, 1843	800,000
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RECETTES POUR ORDRE.

CHAP. I.—*Trésor Public.*

Cautionnements versés en numéraire dans les Caisses du Trésor Public de Belgique, par des Comptables de l'Etat, par des Receveurs Communaux, des Receveurs de Bureaux de Bienfaisance, des préposés aux Bureaux de Station de l'Administration du Chemin de Fer, etc., pour garantie de leur gestion, et Cautionnements

	<i>Francs.</i>	<i>Francs.</i>
fournis par des Contribuables pour garantie du paiement de leurs Redevabilités en ma- tière de Douanes, d'Accises, etc.	1,300,000	
Caisse des Veuves des Fonctionnaires Civils ..	850,000	
Caisse des Veuves et Orphelins des Officiers de l'Armée	160,000	
Caisse de Prévoyance des Instituteurs Primaires ..	100,000	
Masse d'Habillement et d'Equipement de la Douane	300,000	
Subsides offerts pour Construction de Routes ..	400,000	
Parts des Communes dans les Frais de Confection des Atlas des Chemins vicinaux	30,000	
	<hr/>	3,140,000

CHAP. II.—*Contributions Directes, Douanes, et Accises.*

Produit des Amendes, Saisies et Confiscations opérées par l'Administration des Contributions	120,000	
Expertise de la Contribution Personnelle ..	30,000	
Produit d'Ouverture des Entrepôts	14,000	
Recouvrement d'Impôts en faveur des Provinces ..	6,734,000	
Recettes en faveur des Communes	1,950,000	
Taxe Provinciale sur les Chiens	200,000	
Taxe Provinciale sur le Bétail	125,000	
4 et 5 p. c. au profit des Villes de Liège et Verviers, pour pillages	18,500	
	<hr/>	9,191,500

FONDS DE TIERS.

CHAP. III.—*Enregistrement et Domaines.*

Amendes Diverses et autres Recettes soumises aux Frais de Régie	120,000	
Amendes de Consignations et autres Recettes non assujetties aux Frais de Régie	750,000	
Recouvrement de Revenus pour Compte de Pro- vinces	470,000	
CONSIGNATIONS		
Consignations de toute nature.. .. .	1,500,000	
	<hr/>	2,840,000

TOTAL des Recettes pour Ordre	<i>Francs</i>	<u>15,171,500</u>
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III. Pour faciliter le service du Trésor, pendant le même Exercice, le Gouvernement pourra, à mesure des besoins de l'Etat, mettre en circulation des bons du Trésor jusqu'à concurrence de la somme de 25,000,000 francs.

IV. La présente Loi sera obligatoire le 1er Janvier, 1848.

Promulguons la présente Loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du "Moniteur."

Donné à Laeken, le 31 Décembre, 1847.

Par le Roi :

LEOPOLD.

Le Ministre des Finances, VEYDT.

LOI de la Belgique, qui fixe le Budget du Département des Travaux Publics, pour l'Exercice 1848.—Bruxelles, le 4 Mars, 1848.

LÉOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté et nous sanctionnons ce qui suit :

ARTICLE I. Le Budget du Ministère des Travaux Publics est fixé, pour l'Exercice 1848, à la somme de 17,593,444 francs, conformément au tableau ci-annexé.

TABLEAU du Budget du Département des Travaux Publics, pour l'Exercice 1848.

CHAP. I.—*Administration Centrale.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Traitement du Ministre	21,000		
Traitement des Fonctionnaires, Employés et Gens de Service	213,904		
Fournitures de Bureau, Impressions, Achats et Réparations de Meubles, Chauffage, Eclairage, menues dépenses	32,266		
Frais de Route et de Séjour du Ministre, des Fonctionnaires et Employés de l'Adminis- tration Centrale	8,000		
Commission des Annales des Travaux Publics	6,900		
Commission des Procédés Nouveaux ..	3,000		
			285,070

CHAP. II.—*Ponts et Chaussées.—Bâtiments Civils.—Canaux, Rivières, Polders.
—Ports et Côtes.—Personnel des Ponts et Chaussées.*

SECTION I.—*Ponts et Chaussées.*

Entretien et amélioration des Routes, Construction de Routes Nouvelles, Etudes de Projets	2,618,600
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SECTION II.—*Bâtiments Civils.*

Entretien et Réparation des Palais, Hôtels, Edifices, et Monuments appartenant à l'Etat.	52,060
Constructions nouvelles. Construction d'une Salle et Dépendances pour la tenue des Séances du Sénat	196,400
Etablissement d'un Trottoir en Dalles le long du Ministère de la Guerre, vers la Rue Royale	800
Etablissement d'un Système de Paraton- nerre sur les Bâtiments de l'Ancienne Cour et du Palais de l'Industrie	5,500

SECTION III.—*Services des Canaux et Rivières, des Bacs et Bateaux de Passage.
Canal de Gand au Sas-de-Gand.*

Entretien et Travaux d'Amélioration ..	29,000
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Canal de Maestricht à Bois-le-Duc.

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Entretien et Travaux d'Amélioration ...	28,500	18,650	

Canal de Pommerœul à Antoing.

Entretien et Travaux d'Amélioration ..	96,489		
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Sambre Canalisée.

Entretien et Travaux de Dragage ..	107,812		
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Canal de Bruzelles à Charleroy.

Entretien et Travaux d'Amélioration ..	77,000	28,000	
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Escaut.

Travaux à l'Escaut	17,000	25,788	
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Lys.

Travaux à la Lys.	29,300		
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Service de la Meuse dans les Provinces de Liège et de Namur.

Entretien et Travaux d'Amélioration ..	20,000	200,000	
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Service de la Meuse dans la Province de Limbourg.

Entretien et Travaux d'Amélioration ..	50,000	100,000	
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Dendre.

Entretien et Travaux d'Amélioration ..	10,000	700	
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Rupel.

Travaux		110,540	
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Dyle et Demer.

Entretien et travaux à faire pour obvier aux Inondations de la Vallée du Demer	13,000	100,000	
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Senne.

Travaux à faire pour obvier aux Inon- dations de la Vallée de la Senne. Loyer d'une Maison pour l'Eclusier de Vilvorde	250	20,2	
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Canaux de Gand à Ostende.

Entretien et Travaux d'Amélio- ration	28,700	67,88	
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Canal de Mons à Condé.

Entretien et Travaux d'Amélioration ..	10,000	18,284	
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Canal de la Campine.

Entretien et Travaux d'Amélioration ..	65,000	18,000	
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Canal d'Embranchement vers Turnhout.

Entretien et Travaux d'Amélioration ..	9,000	23,000	
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Petite-Nèthe Canalisée

Troisième annuité à payer à la Province d'Anvers ..	50,000		
Travaux d'Entretien et d'Amélio- ration	17,000		
	<hr/>	10,000	57,000

Canal de Zelzaete à la Mer du Nord.

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Entretien et Travaux d'Amélioration ..	19,800	9,000	

Service du Moervaert.

Entretien	2,200		
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Canal de Nevele.

Entretien	660		
Travaux aux Voies Navigables de Second Ordre, Frais d'Etudes et de Levées de Plans, Achat et Réparation d'Instru- ments		14,777	

Bacs et Bateaux de Passage.

Entretien des Bacs et Bateaux de Passage et de leurs Dépenses	1,000		
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*SECTION IV.—Port d'Ostende et de Nieuport, côte de Blankenberghe.**Port d'Ostende.*

Entretien et Travaux d'Amélioration ..	43,450	95,360	
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Port de Nieuport.

Entretien et Travaux d'Amélioration ..	15,933	9,699	
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Côte de Blankenberghe

Entretien et Travaux d'Amélioration ..	79,900	7,790	
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Phares et Fanaux.

Entretien	750		
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*SECTION V.—Personnel des Ponts et Chaussées.**Traitement des Ingénieurs et Conducteurs .*

du Corps des Ponts et Chaussées et des Ingénieurs et Conducteurs adjoints à ce Corps. Frais de Bureau et de Dé- placement. Indemnités et Dépenses éventuelles	608,004		
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Traitement du Personnel définitif des Sur- veillants, Gardes-ponts à Bascule, Eclusiers, Pontonniers et autres Agents subalternes du service des Ponts et Chaussées	421,788		
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Frais des Jurys d'Examen de l'Ecole du Génie Civil, et Voyage des Elèves ..	12,000		
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5,630,570
*CHAP. III.—Chemin de Fer.**SECTION I.—Chemins de Fer en Exploitation.**§ 1. Personnel.—Service Général.—Direction.*

Traitements et Indemnités	271,525		
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Service de l'Entretien des Routes et des Stations.

Traitements et Indemnités	244,543		
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Service de Locomotion et d'Entretien du Matériel.

Traitements et Indemnités	110,960		
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Service des Transports et de Perception.

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Traitements et Indemnités	687,535		
Primes à accorder aux Fonctionnaires et Employés des diverses Branches de Service.. ..	140,000		

§ 2. *Salaires.*

Service Général. Direction	16,400
Entretien des Routes et des Stations ..	1,180,000
Locomotion et Entretien du Matériel ..	1,461,130
Fours à Coke	95,000
Transports et Perception	615,600

§ 3. *Travaux et Fournitures.*

Service Général. Direction	129,000	
Entretien des Routes et des Stations ..	262,000	127,000
Billes et Fers des Voies	724,000	700,000
Locomotion et Entretien du Matériel ..	2,492,310	
Renouvellement du Matériel	100,000	200,000
Transports et Perception	190,000	

SECTION II.—*Direction de la Régie du Chemin de Fer.*

Personnel	36,500	
Matériel	3,500	
	<hr/>	<hr/>
		9,787,003

CHAP. IV.—*Postes.*

Personnel	1,000,000	
Matériel	500,000	
Frais de construction et d'entretien de Voitures destinées au Service des Postes sur le Chemin de Fer ..	20,000	
	<hr/>	<hr/>
		1,520,000

CHAP. V.—*Mines.*

Conseil des Mines.—Traitement des Fonc- tionnaires et Employés, Frais de Route	43,200	
Conseil des Mines. Matériel	2,400	
Traitement des Ingénieurs et Conducteurs; Frais de Bureau et de Déplacement..	167,200	
Jurys d'Examen et Voyage des Elèves des Mines	6,000	
Subsides aux Caisses de Prévoyance, Se- cours et Récompenses aux Personnes qui se sont distinguées par des actes de dévouement	45,000	
Impressions, Achats de Livres et d'Instru- ments, Encouragements et Subventions pour la Publication des Plans et Mé- moires, Essais et Expériences ..	9,000	
	<hr/>	<hr/>
		272,800
CHAP. VI.—Pensions	75,000	75,000

CHAP. VII.—*Secours.*

Secours à des Employés, Veuves ou Familles d'Employés qui n'ont pas de droits à la Pension	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
	5,000	..	5,000
CHAP. VIII.—Dépenses Imprévues non libellées au Budget	18,000	..	18,000
TOTAL ..		<i>Francs</i>	<u>17,593,444</u>

Des traitements ou indemnités pour le personnel de l'administration des chemins de fer ne pourront être prélevés sur les allocations destinés à des travaux extraordinaires ou spéciaux.

II. La présente loi sera obligatoire le lendemain de sa publication.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat, et publiée par la voie du "Moniteur."

Donné à Bruxelles, le 4 Mars, 1848.

Par le Roi :

LEOPOLD.

Le Ministre des Travaux Publics, FRERE-ORBAN.

LOI de la Belgique, qui fixe le Budget du Département de la Justice, pour l'Exercice 1848.—Bruxelles, le 9 Mars, 1848.

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, et nous sanctionnons ce qui suit :

ART. I. Le Budget du Ministère de la Justice est fixé, pour l'Exercice 1848, à la somme de 12,707,895 francs, conformément au tableau ci-annexé.

TABLERAU du Budget du Département de la Justice, pour l'Exercice 1848.

CHAP. I.—*Administration Centrale.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Traitement du Ministre	21,000		
Traitements des Fonctionnaires, Employés et Gens de Service, sans que le Per- sonnel de l'Administration Centrale puisse être rétribué sur d'autres Fonds alloués au Budget.	172,150	12,400	
Matériel	23,000		
Frais d'Impression des Recueils Statistiques	6,000		
Frais de Route et de Séjour	6,000		
			<u>240,550</u>

CHAP. II.—*Ordre Judiciaire.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Cour de Cassation.—Personnel	238,500		
Matériel	5,250	1,500	
Cours d'Appel.—Personnel	622,850		
Matériel	18,000		
Tribunaux de Première Instance et de Commerce	1,060,125	16,000	
Justices de Paix et Tribunaux de Police ..	563,140		
			2,525,365

CHAP. III.—*Justice Militaire.*

Haute Cour Militaire.—Personnel ..	65,800		
Matériel ..	5,000		
Auditeurs Militaires et Prévôts ..	41,253		
			112,053

CHAP. IV.—*Frais de Justice.*

Frais d'Instruction et d'Exécution ..	779,000		
Indemnité pour le Greffier de la Cour de Cassation, à charge de délivrer gratis toutes les Expéditions ou Ecritures réclamées par le Procureur-Général et les Administrations Publiques ..	1,000		
			780,000

CHAP. V.—*Palais de Justice.*

Constructions, réparations, loyers de locaux	35,000	40,000	
			75,000

CHAP. VI.—*Publications Officielles.*

Impression du "Recueil des Lois," du "Moniteur," et des "Annales Parlementaires" pour laquelle il pourra être traité de gré à gré.	130,000		
Abonnement au Bulletin des Arrêts de la Cour de Cassation	3,000		
Publication d'un Recueil des Anciennes Lois des Pays-Bas Autrichiens, de la Principauté de Liège et autres pays dont le territoire est compris dans le Royaume de Belgique; publication d'un Recueil d'Instructions-Circulaires émanées du Département de la Justice, depuis la réunion de la Belgique à la France, en 1795, jusqu'en 1830; Impression d'Avant-Projets de Lois à envoyer à l'avis des Cours et Tribunaux, et des Facultés de Droit des Universités du Royaume	9,000		
			142,000

CHAP. VII.—*Pensions et Secours.*

Pensions Civiles	165,000		
Secours à des Magistrats ou à des Veuves et Enfants Mineurs de Magistrats, qui, sans avoir droit à une Pension, ont des titres à un secours, par suite d'une position malheureuse	12,000		

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Secours à des Employés, ou Veuves et - Enfants Mineurs d'Employés dépendants du Ministère de la Justice, se trouvant dans le même cas que ci-dessus ..	8,000	—	180,000

CHAP. VIII.—*Cultes.*

Clergé supérieur du Culte Catholique et Pro- fesseurs des Séminaires, Bourses et Demi-Bourses affectées aux Séminaires	408,822		
Clergé inférieur du Culte Catholique ..	8,819,104		
Subsides aux Provinces, aux Communes, et aux Fabriques d'Eglises, pour les Edi- fices servant aux Cultes	394,000	50,000	
Culte Protestant	59,100		
Culte Israélite	11,000		
Pensions et Secours pour les Ministres des Cultes	139,000	—	4,376,027

CHAP. IX.—*Etablissements de Bienfaisance.*

Frais d'entretien et de transport de Men- diants et d'Insensés, dont le domicile de secours est inconnu	25,000		
Subsides: 1°. Pour favoriser l'érection et l'amélioration des Hospices d'Aliénés, l'organisation et le soutien des Eta- blissements de Bienfaisance, des Ate- liers de Travail, et d'autres Institutions en faveur des Classes Ouvrières et Indig- entes; 2°. Pour secours aux victimes de l'Ophthalmie Militaire qui n'ont pas droit à une pension ou à un secours à la charge du Département de la Guerre et autres dépenses y relatives	85,000		
Frais de la Commission instituée dans le but de rechercher les moyens propres à améliorer le sort des Classes Pauvres, et Indemnité de son Secrétaire ..	2,000		
Subsides pour les Enfants trouvés et aban- donnés, sans préjudice du concours des Communes et des Provinces ..	145,000		
Subsides: 1°. Pour le patronage des con- damnés libérés; 2°. Pour faire établir et soutenir à cette fin, des Maisons de Refuge où sont également reçues les personnes qui veulent abandonner la voie du vice et de l'immoralité; 3°. Pour venir en aide aux Institutions qui forment des sujets propres au service des Prisons, des Dépôts de Mendicité et d'autres Etablissements de Bienfaisance	50,000	—	307,000

CHAP. X.—*Prisons.*SECTION Ire.—*Service Domestique.*

	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Frais d'entretien, d'habillement, de couchage et de nourriture des Détenus ..	1,100,000	500,000	
Gratifications aux Détenus employés au service domestique	34,000		
Frais d'entretien, d'habillement et de couchage des Gardiens et des Surveillants ..	24,000		
Frais de voyage des Membres des Commissions Administratives des Prisons, ainsi que des Fonctionnaires et Employés des mêmes établissements	7,500		
Traitement des Employés attachés au service domestique	430,000		
Récompenses à accorder aux Employés pour conduite exemplaire et actes de dévouement	3,000		
Frais d'Impression et de Bureau	10,000		
Constructions nouvelles, réparations, entretien des Bâtimens et du Mobilier ..	431,000	349,000	
Traitement et Indemnités de Route du Contrôleur des Constructions dans les Prisons, et Honoraires et Indemnités de Routes à payer aux Architectes ..	21,000		

SECTION 2.—*Service des Travaux.*

Achat de matières premières et ingrédients pour la fabrication.. .. .	650,000		
Gratifications aux Détenus	183,000		
Frais d'Impression et de Bureau	10,000		
Traitements et tantièmes des Employés ..	85,400		
		—————	3,337,900

CHAP. XI.—*Frais de Police.*

Service des Passe-ports.. .. .	20,000		
Autres mesures de sûreté publique	48,000		
		—————	68,000

CHAP. XII.—Dépenses Imprévues non libellées au Budget	6,000		6,000
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CHAP. XIII.—Pour solde de dépenses arriérées concernant des Exercices dont les Budgets sont clos	58,000		58,000
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TOTAL du Budget du Ministère de la Justice	<i>Francs</i>	12,707,895
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II. La présente loi sera obligatoire le lendemain de sa publication.
Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du "Moniteur."

Donné à Bruxelles, le 9 Mars, 1848.

Par le Roi :

LEOPOLD.

Le Ministre de la Justice, DE HAUSSY.

BRITISH ORDER IN COUNCIL, revoking so much of the Order of October 12, 1829, as relates to the Trade of Sierra Leone.—February 13, 1849.*

At the Court at Buckingham Palace, the 13th day of February, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council made by His late Most Excellent Majesty King George IV, on the 12th day of October, 1829, it was ordered that so much of an Act, passed in the 6th year of his said Majesty's reign, and so much of certain other Acts, passed in the 7th, and 7th and 8th, and in the 9th, and the 10th years respectively, of his said Majesty's reign, as imposed prohibitions and restrictions on the importation of goods into the British possessions in America and the Island of Mauritius, and as related to the entry of vessels and goods, inwards and outwards, in those possessions and the island aforesaid, were thereby extended and made applicable to His Majesty's settlements at Sierra Leone, and all other His Majesty's settlements on the western coast of Africa.

And whereas it is deemed expedient that so much of the said Order as relates to the trade of Sierra Leone should be revoked, Her Majesty therefore, with the advice of her Privy Council, and in pursuance and exercise of the power vested in her by an Act of Parliament, made in the session of Parliament, holden in the 8th and 9th years of the reign of her said Majesty [cap. 93],† intituled "An Act to regulate the trade of the British possessions abroad," doth order, and it is hereby ordered, that from and after the promulgation of this Order by the governor or officer for the time being administering the Government of the said colony of Sierra Leone, the said Order, of the 12th day of October, 1829, shall, so far as relates to the said colony, be, and the same is hereby repealed and revoked, except so far as relates to any fine, penalty, or forfeiture which shall have been incurred under the said order hereby repealed, or to any offence which shall have been committed contrary to such order.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

WM. L. BATHURST.

BRITISH ORDER IN COUNCIL, granting to the Ships of the Dominican Republic, certain Privileges of Trading with the British Possessions.—May 1, 1849.

At the Court at Buckingham Palace, the 1st day of May, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the session of Parliament held in the 8th and 9th years of the reign of her present Majesty [cap. 93], intituled "An Act to regulate the trade in the British possessions abroad," after reciting that, by the law of navigation, foreign ships are permitted to import into any of the British possessions in Asia, Africa, or America, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever; and that it is expedient that such permission should be subject to certain conditions, it is enacted that the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless Her Majesty, by her Order in Council, shall in any case deem it expedient to grant the whole or any part of such privileges to the ships of any foreign country, although the conditions aforesaid shall not, in all respects, be fulfilled by such foreign country:

And whereas Her Majesty, by and with the advice of Her Privy Council, doth deem it expedient to grant the aforesaid privileges of trading with the British possessions abroad to the ships of the Dominican Republic:

Now, therefore, Her Majesty, by the advice aforesaid, and in pursuance and exercise of the power and authority in her vested by the said recited Act, doth order, and it is hereby ordered, that, from the date hereof, and in the meantime, until Her Majesty in Council shall be pleased to revoke or determine this Order by any other Order in Council, it shall be lawful for Dominican vessels to import, from the territories of the Dominican Republic into any of the British possessions abroad, goods the produce of the said territories of the Dominican Republic, and to export goods from such possessions, to be carried to any foreign country whatever:

Provided always, that nothing herein contained shall be construed to prevent the vessels of the Dominican Republic from trading with any of the British possessions in Europe, to such extent and in such manner as they lawfully may under the laws of navigation now in force:

Provided further, that nothing hereinbefore contained shall extend or apply to the possessions of the East India Company :

Provided always, that the privileges hereby granted shall be confined to vessels of the Dominican Republic, built, owned, and navigated as required by the British laws of navigation for the time being in force :

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions accordingly.

WM. L. BATHURST.

BRITISH ORDER IN COUNCIL, *suspending the Prohibitions in the Bahamas, against certain Foreign Reprints of British Books entitled to Copyright.*—May 21, 1849.

At the Court at Buckingham Palace, the 21st day of May, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the session of Parliament holden in the 5th and 6th years of the reign of her present Majesty [cap. 45],* intituled "An Act to amend the Law of Copyright," it is, among other things, enacted, that it shall not be lawful for any person, not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire any printed book first composed or written, or printed and published in any part of the United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions :

And whereas by an Act, passed in the session of Parliament holden in the 8th and 9th years of the reign of her present Majesty [cap. 93], intituled "An Act to regulate the Trade of the British Possessions abroad," books, wherein the copyright is subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad :

And whereas by an Act, passed in the session of Parliament holden in the 10th and 11th years of the reign of her present Majesty [cap. 95],† intituled "An Act to amend the Law relating to the Protection in

* Vol. XXXI. Page 1227.

† Vol. XXXV. Page 1197.

the Colonies of Works entitled to copyright in the United Kingdom," it is enacted, that in case the Legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty; and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her royal approval of such Act or Ordinance, and thereupon to issue an Order in Council, declaring, that so long as the provisions of such Act or Ordinance continue in force within such colony, the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards such colony:

And whereas an Act has been passed by the Governor, Council, and Assembly of the Bahamas, intituled "An Act for protecting in the Bahamas, the Rights of British Authors," whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of works, under copyright, imported into the Bahamas:

And whereas Her Majesty hath expressed her royal approval of the same:

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the Bahamas shall remain and continue in force within the said Bahamas, all prohibitions in either of the said hereinbefore recited Acts of the Imperial Parliament, or in any other Acts thereof contained, against the importing into the said Bahamas, or against the selling, letting out to hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards foreign reprints imported into the said Bahamas:

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

WM. L. BATHURST.

BRITISH ORDER IN COUNCIL, suspending the Prohibitions in Newfoundland, against certain Foreign Reprints of British Books entitled to Copyright.—July 30, 1849.

At the Court at Osborne House, Isle of Wight, the 30th day of July, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the session of Parliament, holden in the 5th and 6th years of the reign of her present Majesty [cap. 45], intituled "An Act to amend the Law of Copyright," it is, among other things, enacted, that it shall not be lawful for any person, not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written, or printed and published in any part of the United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions :

And whereas by an Act, passed in the session of Parliament holden in the 8th and 9th years of the reign of her present Majesty [cap. 93], intituled "An Act to regulate the trade of the British possessions abroad," books wherein the copyright is subsisting, first composed or written, or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad :

And whereas by an Act, passed in the session of Parliament holden in the 10th and 11th years of the reign of her present Majesty [cap. 95], intituled "An Act to amend the law relating to the protection in the colonies of works entitled to copyright in the United Kingdom," it is enacted that in case the Legislature, or proper legislative authorities in any British possession, shall be disposed to make due provision for securing or protecting the rights of British authors, in such possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty ; and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such colony, the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and

Majesty, by any Order in Council, to be by her made with the advice of the Privy Council, to prescribe such rules and regulations as to Her Majesty may seem fit, for preserving order, and for securing cleanliness and ventilation on board of passenger ships proceeding from the United Kingdom to any port or place in Her Majesty's possessions abroad, and the said rules and regulations from time to time in like manner to alter, amend, and revoke as occasion may require :

And whereas it is expedient to revoke an Order in Council made at a Court held at Osborne-House, Isle of Wight, on the 15th day of April, 1848, [cap. 6]. in virtue of the provisions of an Act (now repealed) passed in the 11th year of the reign of Her Majesty, intituled "An Act to make further provision for one year, and to the end of the then next session of Parliament, for the carriage of passengers to North America," and to make a new Order in Council which shall extend to passenger ships proceeding from the United Kingdom, not only to North America, but to any port or place in Her Majesty's possessions abroad, out of Europe, and not being within the Mediterranean Sea :

Now, therefore, Her Majesty doth, by and with the advice of her Privy Council, and in pursuance and exercise of the authority vested in her by the said "Passengers' Act, 1849," order, and it is hereby ordered, that the said Order in Council of the 15th of April, 1848, be, and the same is hereby revoked ; and that the following shall henceforth be the rules for preserving order and for securing cleanliness and ventilation to be observed on board of every passenger ship proceeding from the United Kingdom to any port or place in Her Majesty's possessions abroad, out of Europe, and not being within the Mediterranean Sea.

I. All passengers who shall not be prevented by sickness, or other sufficient cause, to be determined by the surgeon, or in ships carrying no surgeon, by the master, shall rise not later than 7 o'clock, A.M., at which hour the fires shall be lighted.

II. It shall be the duty of the cook, appointed under the 26th section of the said "Passengers' Act, 1849," to light the fires and to take care that they be kept alight during the day, and also to take care that each passenger, or family of passengers, shall have the use of the fire-place, at the proper hours, in an order to be fixed by the master.

III. When the passengers are dressed their beds shall be rolled up.

IV. The decks, including the space under the bottom of the berths, shall be swept before breakfast, and all dirt thrown overboard.

V. The breakfast hour shall be from 8 to 9 o'clock A.M. ; provided that, before the commencement of breakfast, all the emigrants, except as hereinbefore excepted, be out of bed and dressed, and that the

beds have been rolled up, and the deck on which the emigrants live properly swept.

VI. The deck shall further be swept after every meal, and, after breakfast is concluded, shall be also dry holystoned or scraped. This duty, as well as that of cleaning the ladders, hospitals, and round-houses, shall be performed by a party taken in rotation from the adult males above 14, in the proportion of 5 to every 100 emigrants, and who shall be considered as sweepers for the day. But the single women shall perform this duty in their own compartment, where a separate compartment is allotted to them, and the occupant of each berth shall see that his own berth is well brushed out.

VII. Dinner shall commence at 1 o'clock P.M. and supper at 6 P.M.

VIII. The fires shall be extinguished at 7 P.M. unless otherwise directed by the master, or required for the use of the sick, and the emigrants shall be in their berths at 10 o'clock P.M. except under the permission or authority of the surgeon; or, if there be no surgeon, of the master.

IX. Three safety-lamps shall be lit at dusk, and kept burning till 10 o'clock P.M.; after which hour 2 of the lamps may be extinguished, 1 being nevertheless kept burning at the main hatchway all night.

X. No naked light shall be allowed at any time, or on any account.

XI. The scuttles and stemports, if any, shall, weather permitting, be opened at 7 o'clock A.M. and kept open till 10 o'clock P.M.; and the hatches shall be kept open whenever the weather permits.

XII. The coppers and cooking utensils shall be cleaned every day.

XIII. The beds shall be well shaken and aired on deck at least twice a week.

XIV. The bottom boards of the berths, if not fixtures, shall be removed and dry-scrubbed, and taken on deck at least twice a week.

XV. A space of deck-room shall be apportioned for a hospital, not less, for vessels carrying 100 passengers, than 48 superficial feet, with 2 or 4 bed-berths erected therein; nor less, for vessels carrying 200 or more passengers, than 120 superficial feet, with 6 bed-berths therein.

XVI. Two days in the week shall be appointed by the master as washing days; but no washing or drying of clothes shall, on any account, be permitted between decks.

XVII. On Sunday mornings the passengers shall be mustered at 10 o'clock A.M., and will be expected to appear in clean and decent apparel. The Lord's Day shall be observed as religiously as circumstances will admit.

XVIII. No spirits or gunpowder shall be taken on board by any passenger; and if either of those articles be discovered in the possession

of a passenger, it shall be taken into the custody of the master during the voyage, and not returned to the passenger until he is on the point of disembarking.

XIX. No loose hay or straw shall be allowed below for any purpose.

XX. No smoking shall be allowed between decks.

XXI. All gambling, fighting, riotous or quarrelsome behaviour, swearing and violent language, shall be at once put a stop to. Swords and other offensive weapons shall, as soon as the passengers embark, be placed in the custody of the master.

XXII. No sailors shall be allowed to remain on the passenger deck, among the passengers, except on duty.

XXIII. No passenger shall go to the ship's cook-house without special permission from the master, nor remain in the fore-castle among the sailors on any account.

XXIV. In vessels not expressly required by the said "Passengers' Act, 1849," to have on board such ventilating apparatus as therein mentioned, such other provision shall be made for ventilation as shall be required by the emigration officer, at the port of embarkation, or in his absence by the officers of Customs.

XXV. And to prevent all doubts in the construction of this Order in Council, it is hereby further ordered that the terms "United Kingdom" and "Passenger Ship" shall herein have the same significations as are assigned to them respectively in the said "Passengers' Act, 1849."

And the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

WM. L. BATHURST.

BRITISH ORDER IN COUNCIL, suspending the Prohibitions in the Island of St. Christopher, against certain Foreign Reprints of British Books entitled to Copyright.—November 6, 1849.

At the Court at Windsor, the 6th day of November, 1849,

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the session of Parliament holden in the 5th and 6th years of the reign of her present Majesty [cap. 45], intituled "An Act to amend the Law of Copyright," it is, among

other things, enacted, that it shall not be lawful for any person, not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire any printed book first composed or written, or printed and published in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions :

And whereas by an Act passed in the session of Parliament, holden in the 8th and 9th years of the reign of her present Majesty [cap. 93], intituled " An Act to regulate the Trade of the British Possessions abroad," books, wherein the copyright is subsisting, first composed or written, or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad :

And whereas by an Act, passed in the session of Parliament holden in the 10th and 11th years of the reign of her present Majesty [cap. 95], intituled " An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," it is enacted, that in case the Legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty ; and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring, that so long as the provisions of such Act or Ordinance continue in force within such colony, the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards such colony :

And whereas an Act has been passed by the Governor, Council, and Assembly of the island of Saint Christopher, intituled " An Act to authorize the importation into this island of books, being foreign reprints of books first composed or written, or printed or published, in the United Kingdom, and in which there shall be a copyright," whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of books, under copyright imported into the said island :

And whereas Her Majesty hath expressed her royal approval of the same :

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the said island, shall remain and continue in force within the said island all prohibitions in either of the said hereinbefore recited Acts of the Imperial Parliament, or in any Acts thereof contained, against the importing into the said island, or against the selling, letting out to hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards foreign reprints imported into the said island :

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

*BRITISH NOTIFICATION of the Danish Blockade of the
Ports of Holstein and Schleswig, except Als and Ærø.—
London, March 23, 1849.*

Foreign Office, March 23, 1849.

It is hereby notified that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch from Her Majesty's Minister at Copenhagen, stating that he had received from the Danish Minister a notice that all the ports of Holstein and Schleswig, with the exception of Als and Ærø, will be blockaded on and after the 27th of the present month.

The Notice is as follows :

“ The Minister of the Navy hereby makes known, that all harbours and ports in the Duchies of Schleswig and Holstein, will, from the 27th of this month, be blockaded, excepting, of course, the islands of Als and Ærø, and such other places as are actually under the Royal Government.

“ The blockade will be raised for every place returning under the lawful Government; and special notice will be given whenever such places are excepted from the blockade.”

“ The Ministry of the Navy at Copenhagen, the 7th of March, 1849.

(L.S.) “ZAHRTMANN.”

REPORT of the Secretary of War to the President of The United States.—December 1, 1848.

SIR,

War Department, December 1, 1848.

THE account of our military operations, contained in the last annual report from this department, left our troops, late in October, 1847, in possession of the capital of Mexico, and many other important places in that country. The main achievements of our armies for that year were then presented to your consideration, but others, of a subsequent date, highly creditable to those engaged in them, though of a less important character, deserve notice and commendation.

On the evening of the 22nd of November, General Lane moved from Puebla with a command of only 160 men, upon Matamoras, distant about 54 miles, in 12 hours. The place was immediately attacked, and the enemy, consisting of from 400 to 600 men, put to flight, with a loss of from 60 to 80 in killed and wounded. A quantity of ordnance and munitions was captured and 21 American prisoners liberated. On its way back to Puebla, the detachment was attacked by a Mexican force of about 500 men, under General Rea. After a short conflict, the enemy were routed and dispersed, sustaining a further loss of about 50, in killed and wounded.

In January, an expedition, composed of 4 companies of Texan rangers, 2 companies of the 3rd dragoons, and 1 of the mounted rifle regiment, all under the command of General Lane, were sent out from the city of Mexico, "to scour the country, and drive the guerillas from the roads." Having ascertained that Santa Anna, with a few regular troops, and a considerable irregular force, was at Tehuacan, the detachment moved rapidly on, and took possession of that place. So sudden was its approach, that Santa Anna had barely time to save himself by a precipitate flight. The expedition pressed on to Orizaba and Cordova, and took possession of these towns, capturing a quantity of public property, and releasing a number of American prisoners. After remaining a short time, and restoring to the owners private property there deposited, which had been seized by guerilla bands, it returned to the main column of our army, in the city of Mexico, on the 9th of February. On the 17th of the same month, General Lane led another detachment, consisting of 250 Texan rangers, and 130 dragoons of the 3rd regiment, against the guerilleros, who were infesting the country lying north and north-east of the city of Mexico. On the 25th, he encountered a body of the enemy at Sequalteplau, and after a severe conflict the town was taken, and the hostile forces dispersed, with a loss of 150 killed, and more than 50 prisoners.

The command of General Lane, on these occasions, displayed

much enterprise, spirit, and gallantry. His interesting reports, with the documents accompanying them, are hereto appended.

Under the judicious management of Colonel Mason, the commanding officer of our troops in the Californias, the upper province has been kept in tranquillity; but efforts were made by the enemy to recover possession of Lower California. In November, 1847, the post of La Paz, with a garrison of 112 men, under the command of Lieutenant-Colonel Burton, of the New York volunteers, was repeatedly attacked by a combined force of Mexicans, Californians, and Indians, of from 300 to 500 men. The successive attacks were repulsed, with considerable loss on the part of the assailants.

The gallant defence of San Jose, and the capture of Mazatlan, are achievements creditable to our arms. They were performed by the naval forces, and will, doubtless, be presented to your particular notice by the Secretary of the Navy. The details of these affairs are contained in the accompanying reports from the commanding officer in California.

Towards the close of the last year, the people of Chihuahua exhibited a determined spirit of hostility, and treated with severity American citizens found among them. Information was received by General Price, who was in command of our troops in New Mexico, that General Urrea, with a body of 3,000 Mexicans, was moving in the direction of El Paso, with the evident design of attacking our forces in that territory. With a view to disperse the enemy and repress the rising hostility in an adjoining State, General Price moved, with all his disposable force, from Santa Fé, on the 7th of February last, and in March captured the city of Chihuahua. The enemy fled to Santa Cruz de Rosales, a distance of 60 miles, and there made a stand; they occupied the strong positions of that town, and resolved on resistance. Though the place was invested on the 8th of March, an assault was delayed until the 16th, in consequence of the assurances given by the Mexican General, Trias, that a Treaty of Peace had been concluded, and that official intelligence of the fact was daily expected. After a reasonable delay, and no confirmation of this report being received, it was determined to dislodge the enemy. On the morning of the 16th of March, arrangements were made for carrying the town. Several batteries were opened, and after a continued fire for 5 hours, a simultaneous assault, at different quarters was made, and the town captured. The conflict was severe; the enemy lost, in killed, 2 officers and 236 men; the number wounded was not ascertained. The loss, on our part, was 1 officer and 3 men killed, and 19 wounded. The number of our troops engaged in this affair was 665, and that of the enemy 804, exclusive of officers. Among the captured property were 11 pieces of artillery, 9 wall pieces, and 577 stands of arms. As this engagement took

place after an armistice had been concluded at the head-quarters of our army in Mexico, the cannon, arms, and all other public property captured at Chihuahua and Santa Cruz de Rosales, were returned to the Mexican authorities. The report of General Price, herewith transmitted, contains a full account of his expedition into Chihuahua, and the engagement with the enemy at Santa Cruz de Rosales.

This concluded the series of brilliant achievements of our armies in the Mexican war, and though, in magnitude, not to be compared to many others, yet it was characterized by the same skill, intrepidity, and enterprise, which have given such wide-spread renown to our recent military operations. To the meritorious services of the officers and soldiers who achieved this last triumph of our arms, a grateful country will award a just measure of admiration and praise.

A portion of the battalion of Missouri volunteers, under the command of Lieutenant-Colonel Gilpin, had several encounters in July, with the Comanche Indians in the vicinity of Fort Mann, near the Arkansas, on the route to Santa Fé, which resulted in a manner creditable to our troops. The Indians were defeated and dispersed. The reports of these engagements are herewith transmitted.

The line of communication between Vera Cruz and the head-quarters of our army was interrupted by guerilla bands and robbers, while our forces were concentrated and moving upon the enemy's capital, but, after its fall, this line was re-opened and established by reinforcements sent to the main column of the army. On the arrival of additional troops, new positions were occupied, with a view not only to obtain abundant supplies, and to collect internal revenue, but to resume hostilities with better advantage and to extend our conquests to other important parts of Mexico, if the efforts to terminate the war by an honourable peace should prove unavailing.

While measures were in progress for sending troops into the mining districts, and extending our military operations in the direction of the Rio Grande, a Treaty of Peace was entered into at the head-quarters of our army in Mexico, and transmitted to The United States for ratification. Pursuant to one of its Articles, Major-General Butler, then in chief command, on the 5th day of March, concluded with the Government of Mexico an agreement for the general suspension of hostilities, to continue 2 months. This was followed by a definitive Treaty of Peace, which went into operation on the 30th of May last. On that day the movements for withdrawing our forces commenced, and before the end of the month of July they had evacuated the Republic of Mexico. The volunteers, and that part of the regular army whose term of service was limited to the duration of the war, were disbanded.

Our military peace establishment is now nearly the same in numerical strength as it was at the commencement of the war with

Mexico. Filled up to the utmost limit allowed by law, it would be 9,878 officers and soldiers, exclusive of the enlisted men of the ordnance; but its actual numerical strength will generally fall considerably below this number. The great extension of our territorial limits required a new arrangement of our military divisions and departments. The eastern, or first division, is not changed. Texas and New Mexico have been added to the western or second, and California and Oregon constitute the third, or the division of the Pacific.

As no military force had been stationed in Oregon, before or during the war, the Department took the earliest measures to send troops into that territory. Orders were issued to the mounted rifle regiment, even before its return from Mexico, to proceed as soon as practicable to Oregon, and hopes were entertained that it might be able to pass across the country during the last season; but this arrangement was frustrated by the Act of Congress passed at the close of the last session, which gave permission to the enlisted men of the regiment, who had been in service in Mexico, to "receive, on application, an honourable discharge from the service of The United States, and stand as if they had served out their respective terms." It could not be expected that even those who were willing to remain in the service would forego the advantages offered to them by this Act. On receiving a discharge, they would at once be entitled to 3 months' extra pay and to bounty land. By the operation of this Act, the regiment, as to the rank and file, was in effect disbanded. Prompt measures were taken to recruit it, and no doubt is entertained but that early in the spring it will be in a condition to leave for its destination.

The frustration of the attempt to send troops into Oregon, during the past season, is the more to be regretted, because it appears that, at the date of the last accounts from that territory, Indian disturbances still continued, and the inhabitants are anxiously expecting assistance from The United States. A small force, detached as an escort for the Governor, is now on the way to Oregon, and will probably arrive there in the course of this month. With a view to an earlier relief than could be afforded by sending troops from The United States, orders have been issued from the Navy Department to the commander of our squadron in the Pacific, to despatch a part of his force to Oregon, with arms, ammunition, and supplies, and, in case it should be necessary, to land the marines and sailors to aid the inhabitants, until the troops destined for that territory should have arrived.

The other regiments of the permanent military establishment were greatly reduced at the close of the war. They had been, to a considerable extent, filled up by recruits enlisted to serve only during

its continuance. Owing to the late period of their return from Mexico, and the unavoidable delay in recruiting or organizing them, such as were destined for distant service could not be prepared to proceed, by land, to Oregon, California, or New Mexico, until the season was so far advanced as to render a march across the country impracticable. Foreseeing the necessity for troops in these territories, and the delay of sending them from The United States, orders, in anticipation of peace, were given to the General in chief command to send a regiment from the head-quarters in Mexico to California; but the Mexican Government refused to permit its passage to the Pacific coast.

Orders were also given to General Wool, then in command of the forces at Saltillo, Monterey, and on the Rio Grande frontier, to send a part of the regular troops with him directly to California and New Mexico. Pursuant to this direction, 2 companies of the 1st and 2 of the 2nd dragoons proceeded up the right bank of the Rio Grande to Chihuahua, crossed over to the Gila, and down that river to California. By this time it is probable they have reached their ultimate destination.

One company of dragoons, and one of light artillery, were also sent from the Rio Grande, and proceeded on the Mexican side of it up to Santa Fé. These have already arrived in New Mexico.

Two companies of the 1st regiment of artillery have embarked at New York to go around Cape Horn to Oregon, and the 2nd regiment of infantry has also left to proceed, by the same route, to California. As early in the spring as a passage can be made across the country, other troops will be sent to Oregon, in number sufficient to hold and protect that territory.

Troops, to guard the Rio Grande frontier and keep in check the Indians in that quarter, have been ordered to Texas, and have arrived at, or are on their way to, the respective stations.

The remainder of the army is distributed on the Indian and northern frontiers, and on the Atlantic and Gulf coasts. The accompanying report from the Adjutant-General will furnish in detail, information of the distribution of the army, in the several departments into which the country has been divided.

The war with Mexico necessarily caused some delay in establishing posts on the Oregon route. The mounted rifle regiment was diverted from that duty, for which it was originally designed, to serve with the army in Mexico, and it is not now intended to employ any part of it east of the Rocky Mountains. Notwithstanding the demand for all our forces in the enemy's country while the war continued, measures were taken as early as March, 1847, to select proper locations, and establish posts on the eastern section of the route to

Oregon. On the 1st of June of that year, instructions were given for the establishment of 2 of these posts, one near Grand Island, where the road to Oregon encounters the Platte River, and the other at or near Fort Laramie. During that season, some progress was made in constructing the work at the former place, but it was suspended on the approach of winter. Preparations were made to resume it early in the spring, and it has been in the course of construction during the past season; but the department is unable to state how far it has progressed, as no report has yet been received from the officer charged with its superintendence.

The amount of contributions and avails of captured property, received by officers of the army in Mexico, cannot, at this time, for the want of full returns, be accurately ascertained. The amount thus far reported is 3,844,373 dollars, which will be somewhat increased by amounts collected in New Mexico and California. Of this amount 67,492 dollars have been retained for expenses of collections; 346,369 dollars paid into the Treasury of The United States; 8,267,540 dollars turned over to disbursing officers; 49,712 dollars credited by the Mexican Government to The United States, in payment of the first instalment under the Treaty, and the remaining 113,259 dollars charged against the collecting officers. Of the amount turned over to disbursing officers, 769,650 dollars were applied towards the payment of the first instalment under the Treaty with Mexico, and the greater part of the balance has been disbursed for regular and ordinary purposes. Against the balances remaining charged to collecting officers, they may be entitled to further credits on the several accounts above stated, to the amount of about 79,000 dollars. The remainder is claimed by them as compensation for extra services, or as having been paid to other army officers for similar services in making the collections. These claims have been suspended, as, under existing laws, no such allowances can be made; but as the claims on this account were considered, to some extent, just, I urged, in my last annual report, and subsequently in a communication to the Committee of Ways and Means, that provision should be made for a reasonable allowance in such cases; and the subject is again recommended for favourable consideration.

The moneys paid over to disbursing officers have been mingled with the funds drawn from the Treasury, and placed in their hands for disbursement. This has complicated their accounts, and greatly embarrassed the settlement of them. The laws and regulations securing and enforcing the settlement of the accounts of disbursing officers are considered as applicable only to the public moneys received from the Treasury. It is recommended that these laws should be so extended as to apply to the accounts for moneys received from con-

tributions and all other sources. Without some such provision, I am satisfied that much delay and many difficulties will attend the adjustment of these accounts.

There are also other accounts which cannot be adjusted without further legislation. No fund was placed by special appropriation at the disposal of the Executive or the commanding generals, to meet expenses for secret services, or for extraordinary objects. Disbursements of this character are not only usual but indispensable in the prosecution of a war, and particularly a foreign war. The collections in Mexico have been resorted to for these purposes. It is not reasonable to expect that regular vouchers of payment for secret services should be produced, and the accounts embracing such items must remain unadjusted, unless Congress should deem it proper to provide some mode for settling them. The mode which seems most appropriate, so far as regards the expenditure for secret and confidential services, is that which has been provided for settling accounts for the disbursement of the appropriation for contingent expenses of foreign intercourse.

I respectfully refer you to the accompanying reports from the officers in charge of the several bureaus connected with this department. The examination of them, will, I trust, satisfactorily show that the duties of each have been discharged with industry, ability, and faithfulness. These duties, so greatly multiplied in all of them by the war with Mexico, have not yet been much diminished by the return of peace. The allowance of 3 months' extra pay to all who served in that war, has rendered it indispensably necessary to retain in service the temporary paymasters appointed under the Act of the 5th of July, 1838. To prevent delay, and to subserve the convenience of the volunteers, paymasters have been sent into the several sections of the country where these troops were raised and organized. It is estimated that from 80,000 to 100,000 persons became entitled to 3 months' extra pay under the Act of the 19th of July last; the greater part of this number had left the service before this provision of law was adopted. Scattered, as they are, through every section of The United States, much labour and time will be required to adjust these claims. The vast increase in the extent of our territory, and in the number of military posts, has induced the paymaster-general to ask that the additional paymasters appointed for the war, and whose services were continued by an Act of Congress, passed at the last session, until the 4th of March next, may be retained permanently in the public service. This suggestion, as well as that relative to the peculiar tenure of office in this branch of the army, is respectfully commended to your favourable consideration.

The number of military posts will, probably, exceed the number of medical officers now authorized by law. Should that be the case

the employment of physicians in civil life will become necessary. Besides the difficulty of procuring such physicians at the points where they are wanted, the expenses of 10 exceed the regular pay and emoluments of army surgeons and assistant surgeons. With a view both to economy and to the interest of the service, I am induced to concur in the recommendation of the surgeon-general, in favour of the repeal of the proviso of the 3rd section of the Act of the 19th of July last, so far as it relates to the 2 surgeons and 12 assistant surgeons, authorized by the Act of the 11th of February, 1847. By such a repeal, the above number of surgeons and assistant surgeons would be added to the permanent medical staff of the army.

The report of the chief engineer presents in detail the operations of that department during the past year. The pendency of the war with Mexico, in some degree, suspended the measures for carrying forward our system of exterior defence. In consequence of the return of peace, the estimates for fortifications for the next fiscal year, somewhat exceed those for either of the 2 preceding years, and will be sufficient to complete some of the works, and considerably advance others already in the progress of construction. It may be advisable to commence new works at some exposed points on the Atlantic and Gulf coasts, particularly within the limits of Texas.

An early attention has been given to our Pacific coast. So little accurate knowledge was possessed of that coast, that it has been deemed advisable to cause it to be carefully and fully examined, with a view to the selection of proper points for fortifications, as well as naval establishments. A board composed of officers of the army and navy, has been constituted to make such an examination, and are now under orders for California and Oregon to execute the duties assigned to them. By the instructions, prepared by the War and Navy Departments, and herewith submitted, the object embraced in the examination are fully disclosed.

The appropriations for the army proper, required for the next fiscal year, amount to 4,432,286 dollars. The estimates for the transportation of the troops far exceed that of any other year previous to the war. The increase in this item is to meet the expense of sending troops to Oregon, New Mexico, and California.

Should the suggestion of the quartermaster-general, contained in his report, to employ the public vessels in the naval service, for the transportation, by sea, of army stores and troops, be adopted, this item of expenses would be greatly reduced. Our possessions upon the Pacific seem to render the change in this respect appropriate, and I do not doubt that such a measure will be attended by results favourable to the public service.

In none of the branches of this department has the business been so much augmented as in the pension bureau. The number of invalid pensioners has increased during the last year 691; the whole number on the list is 3,126.

More than 60,000 claims have been presented under the Act of the 11th of February, 1847, for bounty land and treasury scrip. About 40,000 of them have been acted on and allowed; 20,000 are now pending, and it is estimated that there are 40,000 yet to be presented. Great efforts have been made to dispatch these applications, and about 250 are daily investigated and passed. For the details of the business in the Pension Office, I respectfully refer you to the report of the commissioner.

A comprehensive and interesting view of our Indian relations will be found in the report of the Commissioner of Indian Affairs. The removal of the tribes to the country set apart for them west of the Mississippi river, has separated nearly all those who resided within the limits of the States from the unwholesome influences resulting from a contact with the white population, and afforded an opportunity to the Government to enforce the necessary measures for civilizing and improving them. The wisdom of our policy in regard to the Indians is vindicated by the good effects which it has produced, and particularly by the higher degree of improvement among those who first removed to the country assigned to them.

During the last year, our emigrants have experienced less annoyance than at any former period, from the Indians on the Missouri frontier, and the difficulties among themselves and with our citizens have been less frequent. This favourable change in their conduct is to be mainly ascribed to the judicious control exercised over their annuities, and to the holding of them liable to be used to compensate for damages resulting from their lawless aggressions as well upon each other as upon our own citizens.

An important Treaty has been recently negotiated by the Commissioner of Indian Affairs, in person, with the Menomonies, by which they have agreed to cede all their lands in Wisconsin—about 4,000,000 of acres—and to remove to the excellent country procured for them on the upper Mississippi, adjoining that of their old friends, the Winnebagoes, recently from Iowa. It is reasonable to expect that the interposing of these 2 tribes between the Sioux and Chippewas, and the establishment of a military post in that region will check, if not entirely prevent, the sanguinary hostilities so frequent between the 2 latter tribes, arising from long-cherished and inveterate feuds. The Treaty with the Menomonies has, in effect, extinguished the Indian title to the whole country east of the Mississippi, south of Lake Superior, which, for a long time, has been regarded as an object not

only of great importance to our own citizens, but essential to the welfare and prosperity of the Indians themselves.

Within the 4 last years, 8 important Treaties have been negotiated with different Indian tribes, by which highly beneficial changes in their situation and affairs have been, and will be effected, and The United States have acquired, at a cost of only 1,842,000 dollars, 18,500,000 acres of land; about 2,100,000 acres of it have been assigned to other tribes for their permanent residence; and 2,900,000 are reserved for a similar purpose, leaving the remainder 13,500,000 acres ready for immediate settlement and cultivation, in the rapidly growing States of Wisconsin and Iowa. There is also a prospect that Mississippi, as well as other States in which some of the Choctaws still remain, will soon be freed from them. Measures for their emigration are in progress, under modified arrangements entered into within the last year, which promise a favourable result.

The law of 1847, giving additional authority to prevent the introduction and sale of spirituous liquors in the Indian country, and the stringent regulations adopted by the department to restrain this pernicious traffic, have sensibly diminished the amount of suffering among the frontier tribes, arising from that prolific source of evil, but an effectual check to it cannot be applied, unless the States lying adjacent to the Indian country will co-operate in the measure, by restraining their citizens from bringing intoxicating liquors within the reach of the Indians. The policy of paying annuities semi-annually, and of distributing them *per capita*, has been attended by the happiest results. The new regulations, in regard to licences to trade with the Indians, and the rigid supervision over the conduct of those to whom this privilege has been granted, have put an end to many evils and abuses which formerly prevailed, and were highly detrimental to the interests and welfare of the Indians.

No subject connected with our Indian affairs has so deeply interested the department and received so much of its anxious solicitude and attention as that of education, and I am happy to be able to say that its efforts to advance this cause have been crowned with success. Among most of the tribes which have removed to and become settled in the Indian country, the blessings of education are beginning to be appreciated, and they generally manifest a willingness to co-operate with the Government in diffusing these blessings. The schools already established have an increased number of pupils, and preparations are making for establishing many new ones. Much credit is due to many excellent missionary societies, of different Christian denominations, for their aid and contributions to sustain and advance the cause of education among the Indian population.

There are 16 manual labour schools and 87 boarding and district schools now in successful operation among the various Indian tribes, and

the number of Indian youths attending them, according to the reports received at the department, is 3,682; of which 2,650 are males, and the remaining 1,032 are females. The schools are generally in charge of missionary societies, and are well conducted. These facts afford the most gratifying evidence that nearly all of our colonised tribes are rapidly advancing in civilization and moral improvement; and I trust it may not be improper, on this occasion, for me to say, that for the highly improved and rapidly improving condition of the numerous Indian tribes, over which the guardianship of the Government is extended, not only in regard to education, but most other respects, no stinted measure of credit is to be ascribed to the ability, industry, and faithfulness of that branch of this department to which the management of our diversified and difficult Indian affairs is assigned.

Within the newly acquired territories there is a numerous Indian population, over which our supervision and guardianship must necessarily be extended; but this cannot be effectually done without the action of Congress on the subject. Additional agencies are required to manage Indian affairs in these territories, and to extend to them our Indian system of control and management, which, in other parts of our country, has already produced such happy results, and is so full of promise for the future.

I respectfully ask your attention to the following subjects mentioned in my last annual report: the settlement of claims in California; a retired list of officers of the army; and an asylum for disabled and worn-out soldiers; in regard to each of these the views of the department are fully set forth in that report, and I again recommend them to your favourable consideration.

I have, &c.

The President of The United States.

W. L. MARCY.

REPORT of the Secretary of the Navy to the President of The United States.—December 4, 1848.

SIR,

Navy Department, December 4, 1848.

I HAVE the honour to submit to you the annual report of the condition and operations of this department of the public service.

During the past year, the *St. Lawrence*, a frigate of the 1st class, and the *Vermont*, ship-of-the-line, have been launched. The shores as well as the lower timbers of the frigate were found, on inspection, to be so decayed by the long time she had been on the stocks, that her security would have required repairs at a large cost, and it was deemed economical to launch her. She has been put in commission,

and is a splendid addition to the navy. The old ship-house in the Boston yard, which covered the *Vermont*, stood so near the boundary line of the public grounds that the experienced officers in charge of the Bureau of Construction, and in command of the yard, concurred in the opinion officially communicated, that the ship and the valuable public property in the yard were exposed to danger of destruction by fire, from the contiguous private buildings. I was satisfied that if the ship-house had taken fire, the ship could not have been saved, the admirable stone dock near it, would have been destroyed, and public property to the value of several millions of dollars would probably have shared the same fate. I therefore directed that the ship should be launched and secured from injury, until the wants of the service would require her to be fitted for sea. This has been done, and the ship-house has been taken down and the materials used for other purposes.

The construction of the 4 steam-ships of war, authorized by the Act of Congress of 3rd March, 1847, is in a satisfactory state of progress. The *Saranac*, built at the navy yard at Kittery, has been launched; the *Powhattan*, at Norfolk; the *Susquehanna*, at Philadelphia, and the *San Jacinto*, at New York, may be launched and ready for sea in the course of the next year. In the models and construction of these war steamers, and in the manufacture of their engines and machinery, great care has been taken in the skilful execution of the work, and in careful inspection by competent officers, to make them worthy of the service, and I doubt not they will fully meet the expectations of the country. The appropriations by Congress for so important an addition to our naval force have been liberal, and the officers, mechanics, and contractors, have exerted themselves to prove that we can be as successful in the construction of steam-ships of war as we have been in the sailing ships of the navy.

There are unfinished, on the stocks at the several navy yards, 4 ships of the rate of 74 guns, and 2 frigates of 44 guns. They are securely sheltered, and it has not been considered judicious or consistent with the interests of the service to launch them. They are so near completion that they can be readily launched and fitted for sea service on short notice, if public exigencies shall require. The vessels in commission during the past year, have been employed as follows:

In the Pacific, the ships of the line, *Ohio* and *Columbus*; razee, *Independence*; frigate, *Congress*; sloops, *Portsmouth*, *Warren*, *Cyane*, *Dale*, and *Preble*, with the store ships *Erie*, *Lexington*, and *Southampton*. The *Columbus*, Captain Wyman, bearing the broad pennant of Commodore Biddle, arrived in The United States on the 13th of March last, and was placed in ordinary. The frigate *Congress*, Captain La Vallette, having been in commission more than 3 years, has

been ordered home, and may be expected to arrive in the coming spring. The *Portsmouth*, Commander Montgomery, arrived in The United States on the 5th of May last, and was soon again ready for sea. The *Cyane*, Commander Du Pont, arrived at Norfolk the 9th day of October last, and has been placed in ordinary. In the month of May last, the *Preble*, Commander Glynn, sailed from the west coast, with orders to take to China Commodore Geisinger, Commander of the East India squadron, and, after having performed this service, to return to her station. The sloop *St. Mary's*, Commander Crowninshield, on the 11th April last, sailed from Norfolk to join the Pacific squadron.

With a view to the regular supply of the squadron in the Pacific, and to furnish means for transportation of invalids, or men whose time of enlistment may have expired, and who desire to come home, orders were given, some months since, that one of the 3 store ships attached to that squadron shall sail on her return to The United States semi-annually. Under this arrangement, one will be with the squadron, one on her way home, and one will be going out with fresh stores.

The *Erie* has come home, and, under Lieutenant Commanding Wm. Mc Blair, has sailed to the Mediterranean, by the Cape de Verdes, with stores for the African and Mediterranean squadrons, and the *Fredonia*, Lieutenant Commanding F. A. Neville, has sailed from New York for the Pacific.

When Commodore Biddle left the station he was succeeded in the command of the squadron by Commodore Shubrick, and he was relieved, at his own request, by Commodore Thomas Ap Catesby Jones, who assumed command in the month of May last. Commodore Shubrick was authorized by the department to detach himself from the squadron, and return home across the Isthmus; but he deemed it to be his duty to remain on board the *Independence*, and is now on a cruize to the Sandwich, Fejee, and other islands in the Pacific, where the presence of a ship-of-war was considered of great importance to the interests of American commerce. The *Independence* may be expected to reach The United States early in the spring of the next year.

The home squadron continued under the command of Commodore Perry until the 20th of November last, when the department, in view of his impaired health, yielded to his request to be relieved of the command, the duties of which had been very arduous and satisfactorily performed. Commodore Wilkinson on that day assumed the command. During the past year, the squadron consisted of the frigate *Cumberland*, the sloops *Albany*, *John Adams*, *Germantown*, and *Saratoga*; of the steamers *Mississippi*, *Spitfire*, *Vixen*, *Scorpion*, *Water Witch*, *Scourge*, *Iris*, and *Petrina*; of the schooners, *Reefers*,

Petrel, *Bonito*, *Flirt*, *Mahonese*, *Falcon*, and *Tampico*; and of the bomb vessels *Ætna*, *Stromboli*, *Vesuvius*, and *Hecla*, with the store ships *Relief* and *Electra*.

The frigate *Cumberland*, bearing the pennant of Commodore Perry, arrived in New York in July last, with a considerable number of cases of fever on board, and finding that it did not abate, but assumed a more malignant type, it was deemed unsafe to send her again into the tropics until she could be thoroughly broken out in a cold climate. She has been put in ordinary. The frigate *Raritan*, Captain Page, has taken her place in the squadron. The *John Adams*, Commander Adams, arrived at Boston in September last, and is undergoing repairs. The steamer *Mississippi*, Commander Mackenzie, returned to The United States in April, and is undergoing repairs of her hull and machinery. The *Vixen* is also undergoing repair. The *Petrita* was wrecked in the gulf of Mexico. The *Water Witch* and the *Iris* are at sea. The store ship *Relief* has sailed with stores for Brazil, and the *Fredonia* to the Pacific. The other steamers and vessels enumerated have been sold, and the proceeds paid into the Treasury. They were purchased for special service in the gulf of Mexico, during the war, and were not suitable for general naval purposes.

In the squadron on the coast of Africa, commanded by Commodore Bolton, the sloops *Jamestown*, Commander Mercer; *Portsmouth*, Commander Armstrong; *Decatur*, Commander Byrne; and brigs *Boxer*, Lieutenant-commanding Bell; *Porpoise*, Commander Gordon; and *Bainbridge*, Commander Slaughter, have been employed. Commodore Cooper sailed in the sloop *Yorktown*, Commander Marston, on the 22nd of November, with orders to relieve Commodore Bolton in the command of the squadron. The *Boxer* arrived at Philadelphia in May last, and being condemned, on survey, as unworthy of repair, was sold. Commodore Bolton has orders, on the arrival of his relief, to proceed in the *Jamestown*, and relieve Commodore Read, in command of the naval forces of The United States in the Mediterranean sea.

There have been employed, during the year, in the Mediterranean, under Commodore Read, the frigate *United States*, Captain Smoot; sloop *Marion*, Commander Simonds; the steamer *Princeton*, Commander Engle; schooner *Taney*, Lieutenant-commanding C. G. Hunter, with the store ship *Supply*, Lieutenant-commanding Lynch. The *Marion* having finished her cruize, arrived in Boston in the month of September. The steamer *Alleghany*, Lieutenant-commanding W. W. Hunter, has been ordered from the Brazil station to the Mediterranean, and the frigate *Constitution*, Captain Gwinn, has sailed for the same station. On the arrival of his relief, Commodore Read, having finished a long cruize on the coast of Africa and in the

Mediterranean, has orders to return home in the frigate *United States*. In consequence of our being compelled to discontinue the depôt at Mahon, it became necessary to supply the squadron with stores, by means of store ships. The store ship *Supply*, Lieutenant commanding Lynch, was sent out, with a full cargo of stores, in the month of November, 1847. Having delivered them to the several ships of the squadron, from time to time, as they were required, she is on her return home, and the *Erie* has been loaded and sent out to continue the service. Commodore Read has made a temporary arrangement for landing stores for the squadron at Spezzia. There are some objections to this place as a depôt, on account of its position, and in the present very disturbed condition of Europe it is uncertain whether the arrangement will be permanently continued.

On the coast of Brazil, under command of Commodore Storer, the frigate *Brandywine*, Captain Boorman; the brig *Perry*, Lieutenant-commanding Tilton; and the steamer *Alleghany*, Lieutenant-commanding W. W. Hunter, have been employed. The sloop *St. Louis*, Commander Cocke, sailed from Norfolk in August last, to join the squadron, and carried orders for the *Alleghany* to proceed to the Mediterranean.

In obedience to your directions, and with an anxious desire to give protection to our commerce in the East Indies, I dispatched for that station, in the month of March last, the sloop *Plymouth*, Commander Gedney. She carried out, as a passenger, the Hon. Mr. Davis, Commissioner to China, and landed him at Macao on the 16th day of August. The brig *Dolphin*, Lieutenant-commanding Ogden, left New York in the month of May, for the same station. As the frigate *Congress* had nearly completed her cruise in the Pacific, it was deemed advantageous that she should return home by way of China and Bombay, as in doing so she would visit several important points where the occasional presence of a ship of war would exert a favourable influence on our commercial interests. Commodore Geisinger left The United States in November, 1847, to go across the isthmus with orders to the Pacific, and hoisting his pennant on board the *Congress*, proceeded to China. On his arrival there he was directed to transfer his pennant to the *Plymouth*, and assume command of the East India squadron, and the frigate was expected to pursue her voyage home. For reasons satisfactory to the department, Commodore Jones, on joining the Pacific squadron, determined to retain the frigate until the pending question of peace should be definitively settled between The United States and Mexico, and ordered the sloop *Preble* to convey Commodore Geisinger to his station. The delay consequent on this arrangement rendered it just and proper that the *Congress* should return home by the most direct route, as the terms of her crew's enlistment had generally

expired, or would expire, before her arrival in The United States, and justice and policy forbade that they should be held to service beyond their contract, without urgent necessity.

In the present political condition of the north of Europe, and in view of the existence of war between Prussia and Denmark, it was deemed important that a ship of war should be sent to the North Sea and the Baltic, to give protection to American commercial interests in that quarter. The frigate *St. Lawrence*, Captain Paulding, sailed from Norfolk in the month of September last, with instructions to touch at Bremer Haven, and to enter the Baltic, if the advanced state of the season did not forbid his doing so. If such should be the case, he was instructed [to cruize during the winter between Cape Finisterre and Cadiz, touching at Lisbon, and in the spring to return to the north and execute his orders. Captain Paulding, on his arrival at Bremer Haven, found that the war was suspended by an armistice, and that winter was so near at hand as to make it imprudent for him to take his ship into the Baltic. I am happy to learn that the arrival of the ship has been hailed with universal satisfaction. The highest honours and most gratifying demonstrations of respect have been shown to our flag, and the officers received with the most flattering distinction and fraternal affection. The evidence thus afforded of the friendly feeling and admiration with which Germany regards The United States, leaves no reason to doubt that this noble ship could not have been sent on more important service.

The condition in which our ships have returned from long cruizes, and their services abroad, have afforded gratifying evidence of the high state of discipline in the navy.

The political condition of Sicily, Sardinia, and other States bordering on the Mediterranean Sea, has given peculiar interest to the operations of the squadron on that station. Commodore Read has performed his responsible and often delicate duties with zeal, judgment and activity; and on no occasion have our countrymen received more timely and effective protection of their persons and property than in the violent revolutionary conflicts which, during the past year, have frequently occurred within the limits of his command.

The reports are satisfactory from the squadrons on the coast of Africa, Brazil, and the East Indies.

At the date of my last annual report The United States were engaged in war with Mexico.

In the Gulf of Mexico, the squadron under the command of Commodore Perry continued until the return of peace to hold military possession of the several posts then in its occupation, commanding the trade, collecting a moderate revenue, and administering the temporary civil Government authorized by the law of nations.

Yucatan, one of the States of New Mexico, had been permitted by

the Government of The United States to occupy a neutral position, and was thereby exempted from the evils of the war. While thus situated, hostilities commenced between the Indians and the white inhabitants of that State. It was a war of races, attended by the most shocking atrocities. Under your orders the squadron, with a humanity and success which did honour to our national character, extended protection, food, and shelter to the fleeing white inhabitants in their destitution and despair, and those thus aided were a portion of the people of a country with which we were at war.

In that report I felt authorized to state that the squadron in the Pacific had captured Mazatlan, San Blas, and Acapulco, and was holding them open to the trade of our countrymen and of neutrals, under the same conditions as were other Mexican ports in the military occupation of The United States.

The correspondence which is annexed will show that, with the exception of Acapulco, the facts justified the belief expressed. All the important points on both shores of the Gulf of California were gallantly captured by the squadron, in co-operation with a detachment of the army under Lieutenant-Colonel Burton, and occupied until the return of peace. Commodore Shubrick found his force too small to attempt the reduction of Acapulco, without so weakening the garrisons of the important places held in the gulf as to endanger their recapture, and wisely determined not to make any movement against it.

In the month of March the commanders of the naval forces in the Gulf of Mexico and in the Pacific were confidentially informed of the disposition made by the Senate of The United States of the Treaty of Peace, and were instructed to act in conformity with its stipulations as soon as they should be informed by The United States Commissioners of its ratification by Mexico in the amended form, thus avoiding an unnecessary and irritating delay.

The exchange of ratifications was made known to them, and without waiting for further instructions measures were taken by Commodore Jones, in the Pacific, and by Commodore Perry, in the Gulf of Mexico, for the evacuation of the Mexican territory, and the restoration, according to the terms of the Treaty, of all places within the limits of the Mexican Republic, which had been taken and occupied by the naval forces of The United States. These measures were promptly executed, and it is a source of the highest satisfaction to have it in my power to state that no complaint of the manner in which the duty was performed has reached the department.

The skill and courage with which the officers and men of the squadron conducted their military operations, are not entitled to higher praise than is the scrupulous regard to justice and humanity which characterized their conduct while occupying portions of the

enemy's country, controlling their revenues and governing their inhabitants. The delicate duties resulting from this position have been performed without a stain on our national character, and without an act of extortion, cruelty, or oppression.

I have the honour to transmit copies of the official reports of our naval officers on the subject of the operations of their respective commands, and especially of military operations during the war. They present more in detail than I could with propriety use in my official reports, incidents which belong to the history of the country.

In this final report of naval operations in the war with Mexico, now happily ended, I deem it to be my duty to make a brief allusion to the participation of the navy in scenes and achievements which have reflected honour and glory on the American name, and commanded the respect of the world for our flag.

The enemy had no navy and an inconsiderable commercial marine; our ships of war had, therefore, nothing to contend with on their appropriate element. In the Pacific, our squadron, with means not fitted for inland operations, acting independently, and in co-operation with a small portion of our gallant army, effected the conquest of California. In supplying the deficiency of his means, and in preparing for and executing an inland campaign with the crews of his ships, Commodore Stockton displayed the highest military resource and the greatest energy. Since his memorable march from San Diego to the Ciudad de los Angeles, and the battles of the 8th and 9th of January, 1847, that country has been tranquil, our possession undisputed, and its inhabitants have hailed the cession of California to the United States with grateful satisfaction. Important points in the Gulf of California were taken by the forces under Commodore Shubrick, and their occupation maintained by him and his successor in command independently and in co-operation with the troops under Lieutenant-Colonel Burton, with a display of the highest skill and courage by officers and men, while their conduct was so just and humane, that a large portion of the inhabitants, especially of Lower California, deeply regret that they too are not to have the advantage of our laws and institutions, and the protection of our glorious flag. All will concur in admitting that the troops sent to California, with their acknowledged courage and military skill, were not in sufficient force to have conquered and maintained the occupation of the country without the efficient services of the officers and men of the squadron, both ashore and afloat.

In the Gulf of Mexico, from the beginning of the war, by co-operation at the Brazos, while the battle of Palo Alto was raging, by the capture of Tampico, by protecting the transportation and the landing of the troops at Vera Cruz, by its gallant co-operation in the siege, bombardment, and capture of that city and its defences, by its

successful operations against Tabasco, Tuspan, Laguna, and other points in the interior and on the coast, but especially by holding a constant command of the sea, and by its vigilance and activity excluding contraband trade, and supplies of munitions of war from the enemy, the squadrons rendered the most important services to their common country. These services were rendered in a most inhospitable climate, and in the midst of suffering and death, not caused by the enemy in the honourable conflict of arms, but by the silent ravages of disease. All this was accomplished without withdrawing the squadrons from other stations.

So effective has been the performance of the duty of the navy in every quarter of the globe, that our increasing commerce in the most distant seas has felt no check and met no interruption, notwithstanding we were for more than 2 years engaged in active hostilities with an enemy possessing an extensive sea coast on the Pacific and Atlantic Oceans. Not a single American vessel was lost to her owners by capture by the enemy under the rights of war; and there was not, it is believed, any material effect produced on marine insurance.

These auspicious results, so favourable to our commerce and navigation, are to be attributed to the respect which is universally felt for our flag abroad; and that respect is the honourable reward of the skill and courage, the discretion and justice, the vigilance and boldness with which the navy has performed its duty.

It is the settled policy of The United States to maintain a navy; but if, notwithstanding its gallant exploits long since achieved, and its practical service so long acknowledged, it were an undecided question whether The United States should foster and cherish a navy, the service performed in the late war would go far to settle it. Without the guns of our squadron, how easily might the troops which formed the army of Major-General Scott, when crowded in transports, and crossing the Gulf, have been destroyed by a few insignificant cruizers? But for the same protection, with what advantage might they not have been met on landing on the enemy's shores through a dangerous surf? But for the entire control of the enemy's ports, by our active cruizers, how long might not the war have been protracted by the introduction of munitions of war, and other supplies for the enemy, and what disasters would not have threatened, if they had not befallen, our gallant army if the enemy could have prevented the introduction of these necessary supplies for our own troops? Who can estimate the loss of life and property which would have befallen us, if the tempting offers of the enemy had been accepted, and privateers had taken their letters of marque, so freely tendered, and ravaged our commerce in every sea, opposed only by the inadequate defences of a merchant vessel, and unrestrained by the navy?

In time of peace, economy requires, and the public interests do not forbid, that the naval establishment should be comparatively small. Considering our maritime position, the great length and accessibility of our coast, and our commercial importance, our navy is smaller than that of any other Power. In this regard, as in the general practical working of our system of government, we may safely rely on moral influence. In the extensive cruising grounds of our squadrons we need employ, in time of peace, but a few ships of war; it would not be practicable to have one in every port. It is enough that it is known that our flag is afloat, and that an American ship of war is ready to protect American citizens, and our countrymen follow their lawful and peaceful pursuits on the broad ocean without molestation, although there may not be a ship of war within a thousand miles. It should, however, be large enough to serve as a nucleus, capable of any degree of strength, which, in the event of contingency, it may be called to put forth. One of the most important requisites in a permanent naval system for The United States is its capability of large expansion.

The establishment of docks and yards for building and repair of ships, the collection and preparation of materials, the construction of ships of war ready for launching, and the purchase of cannon and munitions of war in quantities suitable for emergencies are measures of wise precaution. But in the vast mercantile and mechanical business of our country these supplies, to a certain extent, perhaps to an extent sufficient for the exigency, may be procured when the occasion for expansion shall arise. So too, the hardy mariners in our merchant service would readily furnish efficient crews for the increased number of ships fitted for war, which a maritime war may render necessary. The difficulty of such a crisis I apprehend will not be in providing guns nor ships, or will it be in finding brave hearts and ready hands to man and fight them; the difficulty will be neither in men to fight nor material to use, but as to officers in sufficient number, and with adequate experience to command and direct. A skilful naval officer, fitted by education and experience in all the grades of the service to navigate and fight a ship of war, is not readily formed. To qualify him for the responsible duties of his profession must be the work of years. Personal courage, general intelligence, and experience in navigation, are not sufficient. Notwithstanding, exceptions may be found, and no merchant marine would probably furnish them in greater numbers than our own; yet, I am decidedly of opinion that, as a general rule, a naval officer should enter the service at an early age, and, passing through all the grades, learn the various and complex duties of his profession by personal experience, and especially thus, learn to command those who may be placed under him. I do not, therefore, deem it unwise that our

navy list contains a larger number of officers than may be required in time of peace for the active duties of their rank.

I have no doubt that important improvements may be made in our naval establishment.

Duty at sea is often attended with responsibility, hardship, and experience. In the routine of that duty, especially in time of peace, it must often become monotonous, and cease, in a great degree, to excite the zeal and enthusiasm necessary to high distinction. It is wise to bring into active operation those principles of human conduct which will counteract the tendency to inaction and indifference in the performance of even the dull and disagreeable duties of the profession. The most potent, in my judgment, is the principle of military rank involved in promotion, from the lower to the higher grades, by which the rewards of military ambition are secured to those who perform the arduous and active duties of their profession to those who, by their service and exposure, and their ability for service, deserve them.

No one can doubt, that promotions in the navy should be made on the principle of merit, service, and the capacity for duty. Yet the tendency of such a system, without the regulation of law, might be to foster favouritism, to promote a partial dispensation of executive favour, and to withhold from modest and unobtrusive merit the reward justly due to it.

Under our present system, promotions are generally made by seniority, or date of commission; and, as the laws now stand, I am not prepared to say, that unfavourable for the interests of the public service as this often proves, any other plan which the Executive can adopt, would be free from great objections.

The safest and best mode, it appears to me, is to require by law, that officers rendered unfit for duty, otherwise than by wounds received in battle, or not qualified for promotion to higher grades, should be placed on reduced pay out of the line of promotion. Justice and policy would require that great care should be taken against the exercise of such a power capriciously, or without a due regard to the rights of all.

The advantages of such a system in guarding officers against contracting disqualifying habits, in stimulating them to the active and zealous performance of duty, in exciting them to the acquisition of professional knowledge, and in securing to the meritorious the rewards of promotion without having the way blocked up by others, inferior and incompetent, would speedily develop themselves. Such a measure would reduce the expense of the navy, because, under existing laws, officers who do not perform duty, and are incapable of it, are in the receipt of the full pay of their rank.

Another great security for efficiency in the navy will be found

in the education, and in affording the means of instruction to the officers.

The beneficial effects of the naval school at Annapolis upon the service are already beginning to be sensibly felt. The truth is admitted by all, that the services required of officers are more of the head than the hand. The result of experience in the army, that in proportion as education has been encouraged, and the means of acquiring it afforded, so have the character and efficiency of the officers been improved, will not fail to be confirmed in the navy. An accomplished naval officer must understand all the sciences connected with navigation; he ought to be familiar with steam, the steam-engine and mechanics, with gunnery, with chemistry, with the languages of all nations with whom his duty brings him in contact, and with the laws of his own country and of nations.

The lad who leaves his parents at the age of 14 or 15 years, to enter the service as a midshipman, cannot be expected to have laid the foundation even for so broad a superstructure of knowledge. The naval school promises to furnish the means of attaining these ends so important for the navy. It will produce, I trust, the same happy fruits of skill and knowledge which the military academy has produced for the army. In its present condition, and for some time to come, I do not apprehend that it will be necessary for Congress to regulate the details of the school by law, which could only be modified, if found injudicious, by the tardy process of repeal or amendment of the law. After a larger practical experience, the department, aided by the learned and judicious professors on duty at the school, and by the officers of the navy, who take a deep interest in the subject, will doubtless be prepared to present a more complete system. A necessary appendage to the institution is a vessel of the navy, fitted as a school of practice in gunnery and navigation. I earnestly recommend that the appropriation for the next fiscal year, for which an estimate has been submitted, may be made, and as no appropriation was made for the general wants of the school for the present year, I recommend the propriety of making it at the approaching session of Congress.

There are now in one of the rooms of the building occupied by the navy department, a considerable number of flags and other trophies, taken by the navy from public enemies in war. I recommend that authority may be given by Congress to the Secretary of the Navy, under the direction of the President, to cause them to be placed with suitable labels at the naval school in the care of the superintendent.

Under the Act of the 18th of April, 1814, these trophies have not been displayed to the public. The proposed disposition of them would have a good moral effect in exciting in the youthful bosoms of the midshipmen who are to be the future commanders of our ships of war,

an emulation of the virtues and heroism of those of whose valour and skill these trophies are the memorial.

As soon as practicable after the proclamation of peace with Mexico, the seamen, ordinary seamen, landsmen, and boys in the naval service were reduced, by discharges, below the number of 7,500 as required by law.

By the 3rd section of the Act of August 3rd, 1848, the Secretary of the Navy was directed "forthwith to contract with Messrs. Dakin and Moody for the complete construction of a floating sectional dry dock, basin, and railways at Philadelphia;" with Messrs. Gilbert and Secor "for the complete construction of a balance floating dry dock, basin, and railway at Pensacola," and with one or the other of the said respective parties, "for the complete construction at the navy yard at Kittery of a floating dry dock, basin, and railway, upon either of the said plans, as the Secretary of the Navy may prefer as best adapted to the said yard."

Under the Act of March 3rd, 1847, these parties had respectively submitted to the navy department proposals for building at each of the 3 yards named a work according to each plan, with specifications suitable for docking a line of battle ship.

The Act of 1848 made these plans and specifications the basis of the contracts directed to be made, limited the cost to 10 per cent. over and above the prices respectively stated in their said proposals, and provided that, if the dimensions proposed should not be found adequate to docking war steamers of the largest class, at least 350 feet in length, "the Secretary of the Navy shall also, by further contract with said parties, enlarge the dimensions of said works at each yard to a capacity sufficient for that purpose."

The plans and specifications were not adequate to that object. The parties were, therefore, required to submit plans and specifications adapted to the increased dimensions of the works required by law. When presented, I caused their reference to 2 naval constructors and an engineer, and on their approval, in obedience to the direction of the law, the contracts were executed.

I adopted, for the navy yard at Kittery, the balance dock, with its appendages, because that plan of dock had been recommended by the Board of Commissioners in 1847. It was less expensive, and promised to be at least equally useful.

The increase of price consequent on the increase of dimensions was fairly calculated pro rata, and the contractors readily agreed to take the materials which had been procured for the works under the Act of 1847 at their cost to the Government. The prices stipulated to be paid for the works complete are :

At Pensacola, 921,937 dollars; at Philadelphia, 813,742 dollars; at Kittery, 732,905 dollars; total, 2,468,584 dollars.

By the Acts of March 3, 1847, and August 3, 1848, 750,000 dollars were appropriated for these objects. And an estimate is submitted for 650,000 dollars for the next fiscal year. In the contracts for such costly works, and especially as the appropriation made was known to be insufficient to meet the whole cost, it was deemed proper to provide for partial payments as the war progressed, with such security to indemnify the Government in the event of failure to comply on the part of the contractors, as it was thought reasonable to require.

Another year's experience has confirmed the anticipation of most valuable results from the establishment of the observatory. In a report which I had the honour to make from this department under date of November 25, 1844, I expressed the confident opinion "that in the process of time a most perfect set of charts may be supplied from the depôt to the navy, and to the commercial marine, entirely to be relied on for accuracy, at the mere cost of publication." The time has arrived sooner than I anticipated. The chambers of commerce of our principal cities, and intelligent merchants and navigators from all parts of our country, aware of the great importance of such an institution for publication of corrected and verified charts, are readily communicating the results of their observations and experience, and charts from the observatory are looked on with increasing interest.

Besides these important advantages, most valuable services are rendered at the observatory by the care and adjustment of chronometers, and other nautical instruments for the navy. The establishment is superintended and conducted with credit and success by naval officers, who have shown themselves entirely adequate to its duties. Estimates are submitted with a view to the publication of charts and a nautical almanac. I recommend them to the favourable consideration, and as a means of refunding a part of the expense; and that none may be restrained from applying for them, I recommend that authority be given to sell them when published at the cost of publication.

Under the several contracts made with this department, for the transportation of the mail in steamships convertible into war steamers, the parties interested have made great progress in the construction of their vessels and machinery.

The assignees of the contract for the route on the Pacific, have completed the number of steamers required by the contract. They have been inspected, reported on favourably, and accepted by the department, and have sailed from New York to engage in their most interesting service. The *California*, the first of this line, it is expected will be at Panama on the 1st day of January next, ready to make her first trip up the coast. The other 2 will follow, and there is no reason to apprehend that in the hands of the enterprising proprietors the contract will not be satisfactorily executed.

The proprietors of the line from New York to New Orleans, touching at Charleston, Savannah, and Havana, and from Havana to Chagres, have 2 of their large steamers launched and in a state of great forwardness, and have made extensive preparations for the construction of the others required by their contract.

I regarded it as a matter of great public importance that this line should commence its operations, at least to the extent of a monthly communication between Havana and Chagres, in time to connect with the Pacific line. The contractors, desirous to meet the wishes of the department, proposed to place on the route temporarily the ocean steamer *Falcon*. She has been inspected, reported on favourably, and accepted for the service, until the steamers constructed under contract shall be ready to take their places on the route.

The *Falcon* has sailed from New York—will touch at the intermediate points of the route, and deliver her mails and passengers in time to cross the isthmus, and join the steamer at Panama on the 1st of January.

The connected lines, in all their parts, will, it is expected, be in successful operation in the ensuing spring, and a regular communication established between New York and Oregon. The time occupied in the passage will not exceed 35 days, and, at no distant day, it is confidently believed that a regular communication will be established, by a connecting line of steamers, between San Francisco and China, making the passage in 20 days. This may readily be effected by means of the war steamers, now being constructed, as parts of the squadron in the East Indies and the Pacific, until individual enterprise shall have introduced steamers better suited for freight than passengers.

The transit of intelligence, merchandize, and passengers from China to Europe, by way of New York, can be effected, when these several lines shall be in operation in connection with the line from that city to Liverpool, in less than one-half the time now occupied in the voyage between those countries.

The communication, by steamers regularly plying on the 2 routes, now about to commence, cannot fail to increase our general commerce, and to bring to our Atlantic cities a large import of the precious metals, and this, with the facility afforded to our enterprising countrymen to visit or to emigrate to the rich territories on the Pacific, more than compensates the expense of the great undertaking.

As a most interesting part of the system, I recommend that authority be given to contract for the transportation of the mail, between New Orleans and Vera Cruz, in steamships convertible into war steamers. It will tend, by promoting social and commercial intercourse, to consolidate friendship between Mexico and The United States; promote the introduction of our great staples and manufac-

tured goods into Mexico, and invite her rich products of specie to our cities. It will add, too, to the mails on all the connecting lines, increase the postal profits, and make available for public defence an additional number of war steamers.

The contractor for the line between New York and Liverpool has his vessels in a state of forwardness. He has 2 steamers, each of 2,800 tons measurement, ready for launching, and the frames of 2 others ready to take their places on the building ways as soon as launched, and the machinery in a corresponding state of forwardness. The department has not urged the contractor to undue haste in the construction of his steamers. In the present state of communication with Europe by other means, the thorough and skilful execution of the work on the hull and machinery of the ships is of more importance to the Government than their speedy completion. The contractor is prosecuting his undertaking with energy and judgment.

In execution of the 13th section of the Act of August 3, 1848, measures have been taken to remove the insane of the navy and marine corps, from the naval hospitals, to institutions established for the treatment and cure of persons thus sadly afflicted. It is believed that the object can be satisfactorily attained on the moderate terms prescribed by law. The whole number of insane persons in the hospitals is 13, and some of them are so quiet and harmless that it may not be necessary to remove them.

The supply of hemp on hand and deliverable under contracts existing rendered it unnecessary to advertise for any additional quantity for the present year. That American hemp can be prepared in quality equal to any in the world, has been established by experiment under the most rigid tests. The heavy outlay necessary in preparing for the production of the finer descriptions, suitable for naval purposes, has prevented many planters from engaging in annual contracts. The joint resolution of Congress of the 9th of May last, made a great improvement by authorizing navy contracts for American water-rotted hemp, for a term not exceeding 5 years, at a remunerating price.

I propose to invite by advertisement the hemp growers themselves to contract, and by accepting proposals for quantities of 25 tons and upwards, and in case of equality of bid, to give the preference to the farmer who grows it, to encourage the general adoption of the most improved process of preparing this important supply for the navy.

Proposals for furnishing machinery for the rope walk at the Memphis navy yard, have been invited by advertisement, and as soon as it can be manufactured and delivered, that important establishment will be put in operation.

This place for the delivering of hemp, for the use of the navy, will be far more convenient to the hemp growers generally, than that at which cordage is now manufactured, and the facility of access will

justify the farmers in selling their produce directly to the Government, without the intervention of agencies, or the expense and loss of more distant transportation and frequent trans-shipments.

The military contributions collected in the Gulf of Mexico, at forts and places in the military occupation of the naval forces, amount to 131,835 dollars.

From the squadron in the Pacific, the accounts have not yet been received and adjusted. At Mazatlan, then in the occupation of the navy, Commodore Jones reports to the department, that up to the 17th June, 1848, the contributions collected at that port, amounted to 254,368 dollars. It is not probable that any considerable collections were made by officers of the navy at any other point on the Pacific coast.

The plan of settlement adopted, required the officers first to settle at the Navy Department, on vouchers, the accounts of contributions, charging them the amount received, and crediting their disbursements made for the service in prosecution of the war, as established by their vouchers. The collecting officer has been then required to settle at the Treasury his account as acting purser, where he is charged with money and stores received on public account, and credited with disbursements satisfactorily vouched other and beyond those already credited in his contribution account, and the balance thus appearing has, in each case, been paid into the Treasury, under its proper head of appropriation. The practical effect of this mode of settlement is to relieve appropriations made by law to the full amount of the contributions. There has not been a case of default.

The duty of collection, disbursement, and accounting, was performed by naval officers, without any allowance for the service. The Act of August 23, 1842, was construed to forbid any allowance beyond their pay as officers on duty, and no compensation has been made for a service, not within the general range of an officer's duties, and in some instances attended with positive and unavoidable loss. I repeat my recommendation, heretofore made, that authority be given to allow in each case a moderate commission on collections and disbursements, not exceeding in the aggregate a sum sufficient as a reasonable indemnity for the risk and trouble attendant on the duty.

I have the honour to submit the reports from the several bureaux of the department, with the estimates for the naval service, and for other objects placed under the control of this department, for the fiscal year ending with the 30th of June, 1850.

The gross amount of estimate is 8,858,856 dollars, of which the following, being for special objects, must be deducted to ascertain the probable annual expense of the navy:

	Dollars.
For transportation of the mails	874,600
For floating dry docks, basin, and railways ..	650,000
Completing stone dock at New York	490,000
Improvements, &c., at navy yards	845,310

Dollars .. 2,860,910

Which sums being deducted, will leave for 1 year's expense of the naval service, including invalid and widow's pensions and the marine corps, 5,997,946 dollars.

I have the honour herewith to transmit a statement, from the Fourth Auditor's Office, showing the exact amount of appropriations and expenditures made for the entire public service, under the control of the Navy Department, in each year, from the 30th of June, 1844, to the 1st day of July, 1848, by which it will appear that the aggregate amount of expenditures, for the 2 fiscal years ending on the 30th of June, 1845 and 1846, amounted to 14,967,036 dollars, and the aggregate amount expended in the 2 years ending on the 30th June, 1846, was 21,598,661 dollars.

The first two were in time of peace; the last two embrace, with a trifling exception, the entire period of the war with Mexico. In the last two, it is worthy of remark that, for the construction of war steamers authorized by Congress, but not intended or expected to be employed in the war, and for other special objects, very considerable expenditures were made under appropriations for the purpose, so that the ordinary expenses of the naval service have been but slightly increased by the war with Mexico.

On the 1st day of July last, it appears that there remained in the Treasury an unexpended balance, of the year's appropriations for the naval service, of 3,295,630 dollars. Of this sum, 1,795,630 dollars were carried to the surplus fund, and, as authorized by law, the balance remains subject to expenditure, if required, during the current fiscal year.

It gives me pleasure to bear testimony, as the result of my own experience, to the efficient organization of the Navy Department. Personally, I acknowledge grateful obligations to the distinguished men who are and have been in charge of the several bureaux. The division of its duties secures to the civilian who may be at the head of the department the aid and counsel of experienced officers, whose professional information, at all times freely but unobtrusively given, is eminently useful to him in the conduct of the vast and diversified business under his direction. Besides the ships on the stocks, in ordinary, undergoing repairs, and in commission, and excluding navy yards, and other public lands required for purposes of the navy, with their costly improvements, the reports herewith submitted show that

the public property on hand for naval purposes amounts, in the aggregate, to 9,400,370 dollars. The sub-division of duties and of superintendence amongst the several bureaux, has led to the introduction of judicious measures for the preservation of stores and materials, and the enforcement of strict accountability, and thus guarded against an immense waste of public property.

Under this wise distribution of duty and labour, economy and efficiency have been promoted, great improvements introduced in the purchase and inspection of timber, hemp, canvas, and other materials for construction, repair, and equipment; a series of well-conducted experiments in gunnery have been made; and ordnance, ordnance stores, and munitions of war of the most approved description, are procured.

A judicious system has been established and maintained for the necessary buildings at our navy yards, and for a uniform regulation of the quantity and prices of mechanical and other labour in public employment; and the navy is supplied with medicines, provisions, and clothing of the best quality, and on economical terms under regulations digested with care and skill.

There is, however, one great defect in the present organization of the Navy Department. The duty of ordering and detailing of officers for service, of the general superintendence of enlistments, of deciding primarily on applications for service, relief, or discharges, occupies too large a portion of the secretary's time, and cannot be so satisfactorily performed by him as by an officer of rank bearing the relation to the department and to the navy, which the adjutant-general does to the War Department and to the army. The establishment of a bureau for this most important duty would involve a trifling expense. There would not be required for the purpose any additional clerical labour; the register and clerks now engaged on the same duty would be sufficient. It cannot be doubted that the effects of such an improvement in the organization of the department would be highly beneficial.

A revised book of regulations for the navy is very much wanted. In the government of the navy, executive regulations form a large portion of the law of the service. Those now in force are contained in several publications, made at different times and in general orders of the department. It is often difficult for officers to know what they are. A revision and republication in one book would prove of great advantage to the service, and a small appropriation would probably cover the expense.

I renew my recommendation that the appointment of a small number of assistant pursers may be authorized by law.

A joint board of officers of the army and navy has been organized, with orders to proceed to the west coast, and make an examination of the coast of California and Oregon, with a view to the collection of

the necessary information to determine on proper points for fortifications and a navy yard, when it shall be the pleasure of Congress to direct such establishments. A navy yard on the California coast, with suitable means for the repair of vessels, would, in my judgment, be of the highest public importance.

I submit herewith the annual estimates for the support of the marine corps.

In obedience to the direction of the Act of Congress of March 2, 1847, "at the termination of the Mexican war the marine corps was reduced, both in men and officers, to a number not exceeding the number in service at the date of the Act." The reduction of the men was effected by discharges, as they arrived in The United States. The duty of reducing the number of officers was more difficult. It was necessary to drop from the rolls 4 captains, 4 first lieutenants, and 4 second lieutenants. It was determined to organize a board of officers of rank superior to that of captain, and they were instructed to designate the officers who could be best spared from the service. They made their report, and the officers designated were dismissed without alleged fault. Copies of the instructions and report are herewith submitted. The efficiency of our ships of war would be promoted if the marine guard allowed by the regulation could be enlarged; and an increase of the rank and file of the corps from 1,000 to 1,500 would, in my judgment, be highly beneficial. The number of landsmen might be reduced to the same amount. Such an increase of the non-commissioned officers and privates would justify an additional number of commissioned officers equal to the number dismissed.

By the joint resolution of Congress, approved on the 10th of August, 1848, the officers, non-commissioned officers, privates, and musicians, of the marine corps, who have served with the army in the war with Mexico, were placed, in all respects, as to bounty land and other remuneration, in addition to ordinary pay, on a footing with the officers, non-commissioned officers, privates, and musicians of the army.

On consultation with the Attorney-General, I felt constrained so to construe the resolution as not to include the marine guards, attached, under orders, to the ships of war in the Pacific and Gulf of Mexico. It did not appear to me that they could be regarded as serving with the army within the meaning of the resolution, as did the battalion of marines who marched into Mexico, and formed a part of the army. It is known that the marine guards of both squadrons were often on land, co-operating in the most gallant manner with the land forces, and encountering all the dangers and privations of the service with the army.

The discrimination has been painfully felt by them, and I may not have given to the terms of the resolution the enlarged construction

which its framers intended. However that may be, I deemed it the safer course to wait, and submit the subject again to Congress. I am entirely satisfied that, while both classes of the marine officers and men did their duty, there was nothing in the service of the battalion serving with the army which entitled them to any higher privileges than their brethren, who, belonging to the ships, also served ashore. The number of these was not great; and I respectfully recommend that they be put on a footing, as to bounty land and other remuneration, with those who have already received what was given by law to the officers and men of the army. I have, &c.

The President of the United States.

J. Y. MASON.

(ANNEX 1.)—*STATEMENT of Vessels in Commission on the 1st November, 1848.*

Ships of the line.—*Ohio*, Pacific squadron; *Pennsylvania*, receiving ship, Norfolk; *North Carolina*, receiving ship, New York; *Franklin*, receiving ship, Boston.

Razee.—*Independence*, Pacific squadron.

Frigates.—*United States*, Mediterranean; *Congress*, Pacific squadron; *Brandywine*, Brazil station; *St. Lawrence*, European seas; *Raritan*, Home squadron; *Constitution*, Mediterranean.

Sloops of war.—1st Class. *Saratoga*, *Albany*, *Germantown*, Home squadron; *Portsmouth*, coast of Africa; *Jamestown*, Mediterranean; *Plymouth*, East Indies; *St. Mary's*, Pacific squadron. 2nd Class. *Warren*, Pacific squadron; *Ontario*, receiving ship, Baltimore; *St. Louis*, Brazil station. 3rd. Class. *Decatur*, coast of Africa; *Preble*, *Dale*, Pacific squadron; *Yorktown*, coast of Africa.

Brigs.—*Dolphin*, East Indies; *Porpoise*, Bainbridge, coast of Africa; *Perry*, Brazil station.

Schooners.—*Flirt*, Home squadron; *Wave*, *Phoenix*, coast survey; *Taney*, Mediterranean.

Steamers.—*Princeton*, Mediterranean; *Michigan*, Upper Lakes; *Alleghany*, Brazil station; *Union*, receiving ship, Philadelphia; *Iris*, *Water Witch*, Home squadron; *Engineer*, Norfolk; *General Taylor*, Pensacola.

Store ships.—*Erie*, *Supply*, Mediterranean; *Lexington*, Southampton, *Fredonia*, Pacific squadron; *Relief*, Brazil station.

Recapitulation.—4 ships of the line; 1 razee; 6 frigates; 14 sloops; 4 brigs; 4 schooners; 8 steamers; 6 store ships; total 47.

Bureau of Construction, &c. November 1, 1848.

CHAS. WM. SKINNER.

(ANNEX 2.)—*STATEMENT of Vessels in Ordinary on the 1st of November, 1848.*

Ships of the line.—*Vermont*, Boston; *Columbus*, Delaware, Norfolk.

Frigates.—*Potomac*, *Columbia*, Norfolk; *Cumberland*, *Savannah* (repairing), New York; *Constellation*, Norfolk; *Macedonian*, New York.

Sloops-of-war.—*John Adams* (repairing), *Falmouth* (equipping), *Marion*, Boston; *Vincennes* (repairing), New York; *Fairfield*, *Vandalia* (repairing), *Cyane*, *Levant*, Norfolk.

Steamers.—*Mississippi* (repairing), *Vixen* (repairing), Norfolk; *Fulton*, New York.

Store-ship.—*Electra*, New York.

Recapitulation.—3 ships of the line; 6 frigates; 8 sloops of war; 3 steamers; 1 store-ship; total, 21.

Bureau of Construction, &c. November 1, 1848.

CHAS. WM. SKINNER.

(ANNEX 3.)—*STATEMENT of Vessels on the Stocks, and in progress of construction, on the 1st of November, 1848.*

At KITTERY, MAINE.—*Alabama*, ship of the line, building suspended; *Santee*, frigate, building suspended; *Saranac*, steamer, 1st class, building.

At CHARLESTOWN, MASS.—*Virginia*, ship of the line, building suspended.

At NEW YORK.—*Sabine*, frigate, building suspended; *San Jacinto*, steamer, 1st class, building.

At HOBOKEN, NEW JERSEY.—Iron steamer, in course of construction.

At PHILADELPHIA.—*Susquehannah*, steamer, 1st class, building.

At GOSPORT, VIRGINIA.—*New York*, ship of the line, building suspended; *Powhatan*, steamer, 1st class, building.

At SACKETT'S HARBOUR.—*New Orleans*, ship of the line, building suspended.

Recapitulation.—4 ships of the line; 2 frigates; 5 steamers; total, 11.

Bureau of Construction, &c. November 1, 1848.

CHAS. WM. SKINNER.

(ANNEX 4.)—*STATEMENT of Vessels broken up, sold, or lost, since last annual report.*

Broken up, as unworthy of repair.—*Austin*, sloop of war, at Pensacola.

Sold.—*Boxer*, brig, *Experiment*, schooner, at Philadelphia; *Bonito*, *Reefer*, *Mahonese*, *Falcon*, *Tampico*, schooners, returned from Gulf of Mexico; *Ætna*, *Stromboli*, *Vesuvius*, *Hecla*, bomb vessels, returned from Gulf of Mexico; *Spitfire*, *Scorpion*, *Scourge*, steamers, returned from Gulf of Mexico.

Lost.—*Onkahye*, schooner, on Caicos reef; *Petrita*, captured, steamer, at Alvarado.

Recapitulation.—1 sloop; 1 brig; 7 schooners; 4 bomb vessels; 4 steamers; total, 17.

Bureau of Construction, &c. November 1, 1848.

CHAS. WM. SKINNER,

MESSAGE of the President of The United States, on the Opening of Congress.—Washington, December 4, 1849.

FELLOW CITIZENS OF THE SENATE, AND
HOUSE OF REPRESENTATIVES,

SIXTY years have elapsed since the establishment of this Government, and the Congress of The United States again assembles to legislate for an empire of freemen. The predictions of evil prophets, who formerly pretended to foretell the downfall of our institutions, are now remembered only to be derided, and the United States of America at this moment present to the world the most stable and permanent Government on earth.

Such is the result of the labours of those who have gone before us. Upon Congress will eminently depend the future maintenance of our system of free government, and the transmission of it unimpaired to posterity.

We are at peace with all the other nations of the world, and seek to maintain our cherished relations of amity with them. During the past year we have been blessed, by a kind Providence, with an abundance of the fruits of the earth; and although the destroying angel, for a time, visited extensive portions of our territory with the ravages of a dreadful pestilence, yet the Almighty has at length deigned to stay his hand, and to restore the inestimable blessing of general health to a people who have acknowledged his power, deprecated his wrath, and implored his merciful protection.

While enjoying the benefits of amicable intercourse with foreign nations, we have not been insensible to the distractions and wars which have prevailed in other quarters of the world. It is a proper theme of thanksgiving to him who rules the destinies of nations, that we have been able to maintain, amidst all these contests, an independent and neutral position towards all belligerent Powers.

Our relations with Great Britain are of the most friendly character. In consequence of the recent alteration of the British Navigation Acts, British vessels, from British and other foreign ports, will, (under our existing laws,) after the 1st day of January next, be admitted to entry in our ports, with cargoes of the growth, manufacture, or production of any part of the world, on the same terms, as to duties, imposts, and charges, as vessels of The United States with their cargoes; and our vessels will be admitted to the same advantages in British ports, entering therein on the same terms as British vessels. Should no Order in Council disturb this legislative arrangement, the late Act of the British Parliament, by which Great Britain is brought within the terms proposed by the Act of Congress of the 1st of March, 1817, it is hoped will be productive of benefit to both countries.

A slight interruption of diplomatic intercourse, which occurred between this Government and France, I am happy to say, has been terminated, and our Minister there has been received. It is, therefore, unnecessary to refer now to the circumstances which led to that interruption. I need not express to you the sincere satisfaction with which we shall welcome the arrival of another Envoy Extraordinary and Minister Plenipotentiary from a sister republic to which we have so long been, and still remain, bound by the strongest ties of amity.

Shortly after I had entered upon the discharge of the executive duties, I was apprized that a war steamer, belonging to the German Empire was being fitted out in the harbour of New York, with the aid of some of our naval officers, rendered under the permission of the late Secretary of the Navy. This permission was granted during an armistice between that Empire and the Kingdom of Denmark, which had been engaged in the Schleswig-Holstein war. Apprehensive that this act of intervention, on our part, might be viewed as a violation of our neutral obligations, incurred by the Treaty with Denmark, and of the provisions of the Act of Congress of the 20th of April, 1818, I directed that no further aid should be rendered by any agent or officer of the navy; and I instructed the Secretary of State to apprise the Minister of the German Empire, accredited to this Government of my determination to execute the law of The United States, and to maintain the faith of Treaties with all nations. The correspondence which ensued between the Department of State and the Minister of

the German Empire is herewith laid before you The execution of the law and the observance of the Treaty were deemed by me to be due to the honour of the country, as well as to the sacred obligations of the Constitution. I shall not fail to pursue the same course, should a similar case arise, with any other nation. Having avowed the opinion, on taking the oath of office, that in disputes between conflicting foreign Governments, it is our interest, not less than our duty, to remain strictly neutral, I shall not abandon it. You will perceive, from the correspondence submitted to you, in connection with this subject, that the course adopted in this case has been properly regarded by the belligerent Powers interested in the matter.

Although a Minister of The United States to the German Empire was appointed by my predecessor in August, 1848, and has for a long time been in attendance at Frankfort-on-the-Main; and although a Minister, appointed to represent that Empire, was received and accredited here, yet no such Government as that of the German Empire has been definitively constituted. Mr. Donelson, our representative at Frankfort, remained there several months, in the expectation that a union of the German States, under one Constitution or form of Government, might at length be organized. It is believed by those well acquainted with the existing relations between Prussia and the States of Germany, that no such union can be permanently established without her co-operation. In the event of the formation of such a union, and the organization of a central power in Germany, of which she should form a part, it would become necessary to withdraw our Minister at Berlin; but while Prussia exists as an independent kingdom, and diplomatic relations are maintained with her, there can be no necessity for the continuance of the mission to Frankfort. I have, therefore, recalled Mr. Donelson, and directed the archives of the legation at Frankfort to be transferred to the American legation at Berlin.

Having been apprized that a considerable number of adventurers were engaged in fitting out a military expedition, within The United States, against a foreign country, and believing, from the best information I could obtain, that it was destined to invade the Island of Cuba, I deemed it due to the friendly relations existing between The United States and Spain—to the Treaty between the 2 nations—to the laws of The United States, and, above all, to the American honour—to exert the lawful authority of this Government in suppressing the expedition and preventing the invasion. To this end, I issued, a proclamation, enjoining it upon the officers of The United States, civil and military, to use all lawful means within their power. A copy of that proclamation is herewith submitted. The expedition has been suppressed. So long as the Act of Congress of the 20th of April, 1818, which owes its existence to the law of nations and to the policy

of Washington himself, shall remain on our statute book, I hold it to be the duty of the Executive faithfully to obey its injunctions.

While this expedition was in progress, I was informed that a foreigner, who claimed our protection, had been clandestinely, and, as was supposed, forcibly, carried off in a vessel from New Orleans to the Island of Cuba. I immediately caused such steps to be taken as I thought necessary, in case the information I had received should prove correct, to vindicate the honour of the country, and the right of every person seeking an asylum on our soil to the protection of our laws. The person alleged to have been abducted was promptly restored, and the circumstances of the case are now about to undergo investigation before a judicial tribunal. I would respectfully suggest that, although the crime charged to have been committed in this case is held odious, as being in conflict with our opinions on the subject of national sovereignty and personal freedom, there is no prohibition of it or punishment for it provided in any Act of Congress. The expediency of supplying this defect in our criminal code is, therefore, recommended to your consideration.

I have scrupulously avoided any interference in the wars and contentions which have recently distracted Europe.

During the late conflict between Austria and Hungary, there seemed to be a prospect that the latter might become an independent nation. However faint that prospect at the time appeared, I thought it my duty, in accordance with the general sentiment of the American people, who deeply sympathized with the Magyar patriots, to stand prepared, upon the contingency of the establishment by her of a permanent Government, to be the first to welcome independent Hungary into the family of nations. For this purpose, I invested an agent, then in Europe, with power to declare our willingness promptly to recognize her independence in the event of her ability to sustain it. The powerful intervention of Russia in the contest extinguished the hopes of the struggling Magyars. The United States did not, at any time, interfere in the contest; but the feelings of the nation were strongly enlisted in the cause, and by the sufferings of a brave people, who had made a gallant though unsuccessful effort to be free.

Our claims upon Portugal have been, during the past year, prosecuted with renewed vigour, and it has been my object to employ every effort of honourable diplomacy to procure their adjustment. Our late Chargé d'Affaires at Lisbon, the Honourable George W. Hopkins, made able and energetic, but unsuccessful efforts, to settle these unpleasant matters of controversy, and to obtain indemnity for the wrongs which were the subjects of complaint. Our present Chargé d'Affaires at that Court will also bring to the prosecution of these claims ability and zeal. The revolutionary and distracted condition of Portugal in past times has been represented as one of the leading

causes of her delay in indemnifying our suffering citizens. But I must now say it is matter of profound regret that these claims have not yet been settled. The omission of Portugal to do justice to the American claimants has now assumed a character so grave and serious that I shall shortly make it the subject of a special message to Congress, with a view to such ultimate action as its wisdom and patriotism may suggest.

With Russia, Austria, Prussia, Sweden, Denmark, Belgium, the Netherlands, and the Italian States, we still maintain our accustomed amicable relations.

During the recent revolutions in the Papal States, our *Chargé d'Affaires* at Rome has been unable to present his letter of credence; which, indeed, he was directed by my predecessor to withhold until he should receive further orders. Such was the unsettled condition of things in those States that it was not deemed expedient to give him any instructions on the subject of presenting his credential letter different from those with which he had been furnished by the late administration, until the 25th of June last; when, in consequence of the want of accurate information of the exact state of things at that distance from us, he was instructed to exercise his own discretion in presenting himself to the then existing Government, if, in his judgment, sufficiently stable; or, if not, to await further events. Since that period Rome has undergone another revolution, and he abides the establishment of a Government sufficiently permanent to justify him in opening diplomatic intercourse with it.

With the Republic of Mexico it is our true policy to cultivate the most friendly relations. Since the ratification of the Treaty of Guadalupe Hidalgo, nothing has occurred of a serious character to disturb them. A faithful observance of the Treaty, and a sincere respect for her rights, cannot fail to secure the lasting confidence and friendship of that Republic. The message of my predecessor to the House of Representatives, of the 8th of February last, communicating, in compliance with a resolution of that body, a copy of a paper called a Protocol, signed at Queretaro on the 30th May, 1848, by the Commissioners of The United States and the Minister of Foreign Affairs of the Mexican Government, having been a subject of correspondence between the Department of State and the Envoy Extraordinary and Minister Plenipotentiary of that Republic accredited to this Government, a transcript of that correspondence is herewith submitted.

The Commissioner on the part of The United States for marking the boundary between the 2 Republics, though delayed in reaching San Diego by unforeseen obstacles, arrived at that place within a short period after the time required by the Treaty, and was there joined by the Commissioner on the part of Mexico. They entered

upon their duties ; and, at the date of the latest intelligence from that quarter, some progress had been made in the survey. The expenses incident to the organization of the Commission, and to its conveyance to the point where its operations were to begin, have so much reduced the fund appropriated by Congress that a further sum, to cover the charges which must be incurred during the present fiscal year, will be necessary. The great length of frontier along which the boundary extends, the nature of the adjacent territory, and the difficulty of obtaining supplies, except at or near the extremos of the line, render it also indispensable that a liberal provision should be made to meet the necessary charges during the fiscal year ending on the 30th of June, 1851. I accordingly recommend this subject to your attention.

In the adjustment of the claims of American citizens on Mexico, provided for by the late Treaty, the employment of counsel on the part of the Government may become important for the purpose of assisting the Commissioners in protecting the interests of The United States. I recommend this subject to the early and favourable consideration of Congress.

Complaints have been made in regard to the inefficiency of the means provided by the Government of New Grenada for transporting The United States mail across the isthmus of Panama, pursuant to our Postal Convention with that Republic, of the 6th of March, 1844. Our Chargé d'Affaires at Bogota has been directed to make such representations to the Government of New Grenada as will, it is hoped, lead to a prompt removal of this cause of complaint.

The sanguinary civil war with which the Republic of Venezuela has for some time past been ravaged, has been brought to a close. In its progress the rights of some of our citizens, resident or trading there, have been violated. The restoration of order will afford the Venezuelan Government an opportunity to examine and redress these grievances, and others of longer standing, which our representatives at Caraccas have hitherto ineffectually urged upon the attention of that Government.

The extension of the coast of The United States on the Pacific, and the unexampled rapidity with which the inhabitants of California especially are increasing in numbers, have imparted new consequence to our relations with the other countries whose territories border upon that ocean. It is probable that the intercourse between those countries and our possessions in that quarter, particularly with the Republic of Chili, will become extensive and mutually advantageous in proportion as California and Oregon shall increase in population and wealth. It is desirable, therefore, that this Government should do everything in its power to foster and strengthen its relations with those States, and that the spirit of amity between us should be mutual and cordial.

I recommend the observance of the same course towards all other American States. The United States stand as the great American Power to which, as their natural ally and friend, they will always be disposed first to look for mediation and assistance, in the event of any collision between them and any European nation. As such, we may often kindly mediate in their behalf, without entangling ourselves in foreign wars or unnecessary controversies. Whenever the faith of our Treaties with any of them shall require our interference, we must necessarily interpose.

A Convention has been negotiated with Brazil, providing for the satisfaction of American claims on that Government, and it will be submitted to the Senate. Since the last session of Congress, we have received an Envoy Extraordinary and Minister Plenipotentiary from that empire, and our relations with it are founded upon the most amicable understanding.

Your attention is earnestly invited to an amendment of our existing laws relating to the African Slave Trade, with a view to the effectual suppression of that barbarous traffic. It is not to be denied that this trade is still, in part, carried on by means of vessels built in The United States, and owned or navigated by some of our citizens. The correspondence between the Department of State and the Minister and Consul of The United States at Rio de Janeiro, which has from time to time been laid before Congress, represents that it is a customary device to evade the penalties of our laws by means of sea-letters. Vessels sold in Brazil, when provided with such papers by the Consul, instead of returning to The United States for a new register, proceed at once to the coast of Africa for the purpose of obtaining cargoes of slaves. Much additional information, of the same character, has recently been transmitted to the Department of State. It has not been considered the policy of our laws to subject an American citizen, who, in a foreign country, purchases a vessel built in The United States, to the inconvenience of sending her home for a new register before permitting her to proceed on a voyage. Any alteration of the laws which might have a tendency to impede the free transfer of property in vessels between our citizens, or the free navigation of those vessels between different parts of the world, when employed in lawful commerce, should be well and cautiously considered; but I trust that your wisdom will devise a method by which our general policy, in this respect, may be preserved, and at the same time the abuse of our flag, by means of sea-letters, in the manner indicated, may be prevented.

Having ascertained that there is no prospect of the reunion of the 5 States of Central America, which formerly composed the Republic of that name, we have separately negotiated with some of them Treaties of Amity and Commerce, which will be laid before the Senate.

A contract having been concluded with the State of Nicaragua, by a company composed of American citizens, for the purpose of constructing a ship canal through the territory of that State, to connect the Atlantic and Pacific Oceans, I have directed the negotiation of a Treaty with Nicaragua, pledging both Governments to protect those who shall engage in and perfect the work. All other nations are invited by the State of Nicaragua to enter into the same Treaty stipulations with her; and the benefit to be derived by each from such an arrangement will be the protection of this great inter-oceanic communication against any Power which might seek to obstruct it, or to monopolize its advantages. All States entering into such a Treaty will enjoy the right of passage through the canal on payment of the same tolls.

The work, if constructed under these guarantees, will become a bond of peace instead of a subject of contention and strife between the nations of the earth. Should the great maritime States of Europe consent to this arrangement (and we have no reason to suppose that a proposition so fair and honourable will be opposed by any), the energies of their people and ours will co-operate in promoting the success of the enterprise. I do not recommend any appropriation from the national treasury for this purpose; nor do I believe that such an appropriation is necessary. Private enterprise, if properly protected, will complete the work, should it prove to be feasible. The parties who have procured the charter from Nicaragua for its construction, desire no assistance from this Government beyond its protection; and they profess that, having examined the proposed line of communication, they will be ready to commence the undertaking whenever that protection shall be extended to them. Should there appear to be reason, on examining the whole evidence, to entertain a serious doubt of the practicability of constructing such a canal, that doubt could be speedily solved by an actual exploration of the route.

Should such a work be constructed, under the common protection of all nations, for equal benefits to all, it would be neither just nor expedient that any great maritime State should command the communication. The territory through which the canal may be opened ought to be freed from the claims of any foreign Power. No such Power should occupy a position that would enable it hereafter to exercise so controlling an influence over the commerce of the world, or to obstruct a highway which ought to be dedicated to the common uses of mankind.

The routes across the isthmus at Tehuantepec and Panama are also worthy of our serious consideration. They did not fail to engage the attention of my predecessor. The negotiator of the Treaty of Guadalupe Hidalgo was instructed to offer a very large sum of money

for the right of transit across the isthmus of Tehuantepec. The Mexican Government did not accede to the proposition for the purchase of the right of way, probably because it had already contracted with private individuals for the construction of a passage from the Guasacualco river to Tehuantepec. I shall not renew any proposition to purchase, for money, a right which ought to be equally secured to all nations, on payment of a reasonable toll to the owners of the improvement, who would, doubtless, be well contented with that compensation and the guarantees of the maritime States of the world, in separate Treaties negotiated with Mexico, binding her and them to protect those who should construct the work. Such guarantees would do more to secure the completion of the communication through the territory of Mexico than any other reasonable consideration that could be offered; and, as Mexico herself would be the greatest gainer by the opening of this communication between the Gulf and the Pacific Ocean, it is presumed that she would not hesitate to yield her aid, in the manner proposed, to accomplish an improvement so important to her own best interests.

We have reason to hope that the proposed railroad across the isthmus at Panama will be successfully constructed, under the protection of the late Treaty with New Grenada, ratified and exchanged by my predecessor on the 10th day of June, 1848, which guarantees the perfect neutrality of the isthmus, and the rights of sovereignty and property of New Grenada over that territory, "with a view that the free transit from ocean to ocean may not be interrupted or embarrassed" during the existence of the Treaty. It is our policy to encourage every practicable route across the isthmus, which connects North and South America, either by railroad or canal, which the energy and enterprise of our citizens may induce them to complete; and I consider it obligatory upon me to adopt that policy, especially in consequence of the absolute necessity of facilitating intercourse with our possessions on the Pacific.

The position of the Sandwich Islands, with reference to the territory of The United States on the Pacific, the success of our persevering and benevolent citizens who have repaired to that remote quarter in christianizing the natives and inducing them to adopt a system of government and laws suited to their capacity and wants, and the use made by our numerous whale ships of the harbours of the islands as places of resort for obtaining refreshments and repairs, all combine to render their destiny peculiarly interesting to us. It is our duty to encourage the authorities of those islands in their efforts to improve and elevate the moral and political condition of the inhabitants; and we should make reasonable allowances for the difficulties inseparable from this task. We desire that the islands may maintain their independence, and that other nations should concur with us in this

sentiment. We could in no event be indifferent to their passing under the dominion of any other power. The principal commercial States have in this a common interest, and it is to be hoped that no one of them will attempt to interpose obstacles to the entire independence of the islands.

The receipts into the Treasury for the fiscal year ending on the 30th of June last were, in cash, 48,830,097 dollars, and in treasury notes funded, 10,833,000 dollars, making an aggregate of 59,663,097 dollars; and the expenditures for the same time were, in cash, 46,798,667 dollars, and in treasury notes funded, 10,833,000 dollars, making an aggregate of 57,631,667 dollars.

The accounts and estimates which will be submitted to Congress in the report of the Secretary of the Treasury, show that there will probably be a deficit occasioned by the expenses of the Mexican war and Treaty, on the 1st day of July next, of 5,828,121 dollars, and on the 1st day of July, 1851, of 10,547,092 dollars, making in the whole a probable deficit, to be provided for, of 16,375,214 dollars. The extraordinary expenses of the war with Mexico, and the purchase of California and New Mexico, exceed in amount this deficit, together with the loans heretofore made for those objects. I therefore recommend that authority be given to borrow whatever sum may be necessary to cover that deficit. I recommend the observance of strict economy in the appropriation and expenditure of public money.

I recommend a revision of the existing tariff, and its adjustment on a basis which may augment the revenue. I do not doubt the right or duty of Congress to encourage domestic industry, which is the great source of national as well as individual wealth and prosperity. I look to the wisdom and patriotism of Congress for the adoption of a system which may place home labour at last on a sure and permanent footing, and, by due encouragement of manufactures, give a new and increased stimulus to agriculture, and promote the development of our vast resources and the extension of our commerce. Believing that to the attainment of these ends (as well as the necessary augmentation of the revenue and the prevention of frauds) a system of specific duties is best adapted, I strongly recommend to Congress the adoption of that system, fixing the duties at rates high enough to afford substantial and sufficient encouragement to our own industry, and, at the same time, so adjusted as to insure stability.

The question of the continuance of the sub-treasury system is respectfully submitted to the wisdom of Congress. If continued, important modifications of it appear to be indispensable.

For further details and views on the above, and other matters connected with commerce, the finances, and revenue, I refer to the report of the Secretary of the Treasury

No direct aid has been given by the general Government to the improvement of agriculture, except by the expenditure of small sums for the collection and publication of agricultural statistics, and for some chemical analyses, which have been, thus far, paid for out of the patent fund. This aid is, in my opinion, wholly inadequate. To give to this leading branch of American industry the encouragement which it merits, I respectfully recommend the establishment of an Agricultural Bureau, to be connected with the Department of the Interior. To elevate the social condition of the agriculturist, to increase his prosperity, and to extend his means of usefulness to his country, by multiplying his sources of information, should be the study of every statesman, and a primary object with every legislator.

No civil government having been provided by Congress for California, the people of that territory, impelled by the necessities of their political condition, recently met in convention, for the purpose of forming a constitution and state government, which the latest advices give me reason to suppose has been accomplished; and it is believed they will shortly apply for the admission of California into the Union as a sovereign State. Should such be the case, and should their constitution be conformable to the requisitions of the constitution of the United States, I recommend their application to the favourable consideration of Congress.

The people of New Mexico will also, it is believed, at no very distant period, present themselves for admission into the Union. Preparatory to the admission of California and New Mexico, the people of each will have instituted for themselves a republican form of government, "laying its foundations in such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

By awaiting their action, all causes of uneasiness may be avoided and confidence and kind feeling preserved. With a view of maintaining the harmony and tranquillity so dear to all, we should abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind; and I repeat the solemn warning of the first and most illustrious of my predecessors against furnishing "any ground for characterizing parties by geographical discriminations."

A collector has been appointed at San Francisco, under the Act of Congress extending the revenue laws over California; and measures have been taken to organize the custom-houses at that and the other ports mentioned in that Act, at the earliest period practicable. The collector proceeded overland, and advices have not yet been received of his arrival at San Francisco. Meanwhile, it is understood that the customs have continued to be collected there by officers acting under the military authority, as they were during the administration of my

predecessor. It will, I think, be expedient to confirm the collections thus made, and direct the avails (after such allowances as Congress may think fit to authorize) to be expended within the territory, or to be paid into the Treasury for the purpose of meeting appropriations for the improvement of its rivers and harbours.

A party engaged on the coast survey was dispatched to Oregon in January last. According to the latest advices, they had not left California; and directions have been given to them, as soon as they shall have fixed on the sites of the 2 light-houses and the buoys authorized to be constructed and placed in Oregon, to proceed without delay to make reconnoissances of the most important points on the coast of California, and especially to examine and determine on sites for light-houses on that coast, the speedy erection of which is urgently demanded by our rapidly increasing commerce.

I have transferred the Indian Agencies from Upper Missouri and Council Bluffs to Santa Fé and Salt Lake, and have caused to be appointed sub-agents in the valleys of the Gila, the Sacramento and San Joaquin rivers. Still further legal provisions will be necessary for the effective and successful extension of our system of Indian intercourse over the new territories.

I recommend the establishment of a branch mint in California, as it will, in my opinion, afford important facilities to those engaged in mining, as well as to the Government in the disposition of the mineral lands.

I also recommend that commissions be organized by Congress to examine and decide upon the validity of the present subsisting land titles in California and New Mexico; and that provision be made for the establishment of offices of surveyor-general in New Mexico, California, and Oregon, and for the surveying and bringing into market the public lands in those territories. Those lands, remote in position and difficult of access, ought to be disposed of on terms liberal to all, but especially favourable to the early emigrants.

In order that the situation and character of the principal mineral deposits in California may be ascertained, I recommend that a geological and mineralogical exploration be connected with the linear surveys, and that the mineral lands be divided into small lots suitable for mining, and be disposed of, by sale or lease, so as to give our citizens an opportunity of procuring a permanent right of property in the soil. This would seem to be as important to the success of mining as of agricultural pursuits.

The great mineral wealth of California, and the advantages which its ports and harbours, and those of Oregon, afford to commerce, especially with the islands of the Pacific and Indian oceans, and the populous regions of Eastern Asia, make it certain that there will arise, in a few years, large and prosperous communities on our western coast.

It therefore becomes important that a line of communication, the best and most expeditious which the nature of the country will admit, should be opened within the territory of The United States, from the navigable waters of the Atlantic on the Gulf of Mexico to the Pacific. Opinion, as elicited and expressed by 2 large and respectable Conventions, lately assembled at St. Louis and Memphis, points to a railroad as that which, if practicable, will best meet the wishes and wants of the country. But while this, if in successful operation, would be a work of great national importance, and of a value to the country which it would be difficult to estimate, it ought also to be regarded as an undertaking of vast magnitude and expense, and one which must, if it be indeed practicable, encounter many difficulties in its construction and use. Therefore, to avoid failure and disappointment; to enable Congress to judge whether, in the condition of the country through which it must pass, the work be feasible; and, if it be found so, whether it should be undertaken as a national improvement or left to individual enterprise; and, in the latter alternative, what aid, if any, ought to be extended to it by the Government, I recommend, as a preliminary measure, a careful reconnoissance of the several proposed routes by a scientific corps, and a report as to the practicability of making such a road, with an estimate of the cost of its construction and support.

For further views on these and other matters connected with the duties of the Home Department I refer you to the report of the Secretary of the Interior.

I recommend early appropriations for continuing the river and harbour improvements which have been already begun, and also for the construction of those for which estimates have been made, as well as for examinations and estimates preparatory to the commencement of such others as the wants of the country, and especially the advance of our population over new districts and the extension of commerce, may render necessary. An estimate of the amount which can be advantageously expended within the next fiscal year under the direction of the Bureau of Topographical Engineers accompanies the report of the Secretary of War, to which I respectfully invite the attention of Congress.

The cession of territory made by the late Treaty with Mexico has greatly extended our exposed frontier, and rendered its defence more difficult. That Treaty has also brought us under obligations to Mexico, to comply with which a military force is requisite. But our military establishment is not materially changed, as to its efficiency, from the condition in which it stood before the commencement of the Mexican war. Some addition to it will therefore be necessary; and I recommend to the favourable consideration of Congress an increase of the

several corps of the army at our distant western posts, as proposed in the accompanying report of the Secretary of War.

Great embarrassment has resulted from the effect upon rank, in the army, heretofore given to brevet and staff commissions. The views of the Secretary of War on this subject are deemed important, and, if carried into effect, will, it is believed, promote the harmony of the service. The plan proposed for retiring disabled officers, and providing an asylum for such of the rank and file as from age, wounds, and other infirmities occasioned by service, have become unfit to perform their respective duties, is recommended as a means of increasing the efficiency of the army, and as an act of justice due from a grateful country to the faithful soldier.

The accompanying report of the Secretary of the Navy presents a full and satisfactory account of the condition and operations of the naval service during the past year. Our citizens engaged in the legitimate pursuits of commerce have enjoyed its benefits. Wherever our national vessels have gone they have been received with respect, our officers have been treated with kindness and courtesy, and they have on all occasions pursued a course of strict neutrality, in accordance with the policy of our Government.

The naval force at present in commission is as large as is admissible, with the number of men authorized by Congress to be employed.

I invite your attention to the recommendation of the Secretary of the Navy on the subject of a re-organization of the navy, in its various grades of officers, and the establishing of a retired list for such of the officers as are disqualified for active and effective service. Should Congress adopt some such measure as is recommended, it will greatly increase the efficiency of the navy, and reduce its expenditures.

I also ask your attention to the views expressed by him in reference to the employment of war steamers, and in regard to the contracts for the transportation of The United States' mails and the operation of the system upon the prosperity of the navy.

By an Act of Congress passed August 14, '1848, provision was made for extending post office and mail accommodations to California and Oregon. Exertions have been made to execute that law; but the limited provisions of the Act, the inadequacy of the means it authorizes, the ill adaptation of our post-office laws to the situation of that country, and the measure of compensation for services allowed by those laws, compared with the prices of labour and rents in California, render those exertions, in a great degree, ineffectual. More particular and efficient provision by law is required on this subject.

The Act of 1845, reducing postage, has now, by its operation

during 4 years, produced results fully showing that the income from such reduced postage is sufficient to sustain the whole expense of the service of the Post Office Department, not including the cost of transportation in mail steamers on the lines from New York to Chagres, and from Panama to Astoria, which have not been considered by Congress as properly belonging to the mail service.

It is submitted to the wisdom of Congress whether a further reduction of postage should not now be made, more particularly on the letter correspondence. This should be relieved from the unjust burden of transporting and delivering the franked matter of Congress, for which public service provision should be made from the Treasury: I confidently believed that a change may safely be made; reducing all single-letter postage to the uniform rate of 5 cents, regardless of distance, without thereby imposing any greater tax on the Treasury than would constitute a very moderate compensation for this public service; and I therefore respectfully recommend such a reduction. Should Congress prefer to abolish the franking privilege entirely, it seems probable that no demand on the Treasury would result from the proposed reduction of postage. Whether any further diminution should now be made, or the result of the reduction to 5 cents, which I have recommended, should be first tested, is submitted to your decision.

Since the commencement of the last session of Congress, a postal Treaty with Great Britain has been received and ratified, and such regulations have been formed by the Post Office Departments of the 2 countries, in pursuance of that Treaty, as to carry its provisions into full operation. The attempt to extend this same arrangement, through England, to France, has not been equally successful; but the purpose has not been abandoned.

For a particular statement of the condition of the Post Office Department, and other matters connected with that branch of the public service, I refer you to the report of the Postmaster-General.

By the Act of the 3rd of March, 1849, a Board was constituted to make arrangements for taking the 7th census, composed of the Secretary of State, the Attorney-General, and the Postmaster-General; and it was made the duty of this Board "to prepare, and cause to be printed, such forms and schedules as might be necessary for the full enumeration of the inhabitants of The United States; and also proper forms and schedules for collecting, in statistical tables, under proper heads, such information as to mines, agriculture, commerce, manufactures, education, and other topics, as would exhibit a full view of the pursuits, industry, education, and resources of the country." The duties enjoined upon the Census Board thus established having been performed, it now rests with Congress to enact a law for carrying into effect the provision of the Constitution which requires an actual

enumeration of the people of The United States within the ensuing year.

Among the duties assigned by the constitution to the general Government is one of local and limited application, but not on that account the less obligatory; I allude to the trust committed to Congress as the exclusive legislator and sole guardian of the interests of the district of Columbia. I beg to commend these interests to your kind attention. As the national metropolis, the city of Washington must be an object of general interest; and founded, as it was, under the auspices of him whose immortal name it bears, its claims to the fostering care of Congress present themselves with additional strength. Whatever can contribute to its prosperity must enlist the feelings of its constitutional guardians, and command their favourable consideration.

Our Government is one of limited powers, and its successful administration eminently depends on the confinement of each of its co-ordinate branches within its own appropriate sphere. The first section of the constitution ordains that "all legislative powers therein granted shall be vested in a Congress of The United States, which shall consist of a Senate and House of Representatives." The Executive has authority to recommend (not to dictate) measures to Congress. Having performed that duty, the executive department of the Government cannot rightfully control the decision of Congress on any subject of legislation, until that decision shall have been officially submitted to the President for approval. The check provided by the constitution in the clause conferring the qualified veto will never be exercised by me, except in the cases contemplated by the fathers of the Republic. I view it as an extreme measure, to be resorted to only in extraordinary cases—as where it may become necessary to defend the executive against the encroachments of the legislative power, or to prevent hasty and inconsiderate or unconstitutional legislation. By cautiously confining this remedy within the sphere prescribed to it in the cotemporaneous expositions of the framers of the constitution, the will of the people, legitimately expressed on all subjects of legislation, through their constitutional organs, the senators and representatives of The United States, will have its full effect. As indispensable to the preservation of our system of self-government, the independence of the representatives of the States and the people is guaranteed by the constitution; and they owe no responsibility to any human power but their constituents. By holding the representative responsible only to the people, and exempting him from all other influences, we elevate the character of the constituent, and quicken his sense of responsibility to his country. It is under these circumstances only that the elector can feel that, in the choice of the law-maker, he is himself truly a component part of

the sovereign power of the nation. With equal care we should study to defend the rights of the executive and judicial departments. Our Government can only be preserved in its purity by the suppression and entire elimination of every claim or tendency of one co-ordinate branch to encroachment upon another. With the strict observance of this rule and the other injunctions of the constitution; with a sedulous inculcation of that respect and love for the Union of the States which our fathers cherished and enjoined upon their children; and with the aid of that overruling Providence which has so long and so kindly guarded our liberties and institutions, we may reasonably expect to transmit them, with their innumerable blessings, to the remotest posterity.

But attachment to the Union of the States should be habitually fostered in every American heart. For more than half a century, during which kingdoms and empires have fallen, this Union has stood unshaken. The patriots who formed it have long since descended to the grave; yet still it remains, the proudest monument to their memory, and the object of affection and admiration with every one worthy to bear the American name. In my judgment, its dissolution would be the greatest of calamities; and to avert that should be the study of every American. Upon its preservation must depend our own happiness and that of countless generations to come. Whatever dangers may threaten it, I shall stand by it and maintain it in its integrity to the full extent of the obligations imposed and the power conferred upon me by the constitution.

Washington, December 4, 1849.

Z. TAYLOR.

BRITISH NOTIFICATION of the Neapolitan Blockade of the Port and Gulf of Palermo.—London, April 7, 1849.

Foreign Office, April 7, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from the Lords Commissioners of the Admiralty a letter inclosing the copy of a note bearing date the 22nd day of March last past, from the Neapolitan Minister for Foreign Affairs to Her Majesty's Minister at Naples, stating that the Neapolitan Government had determined that from the first days of the instant month of April, the port and Gulf of Palermo and the adjacent coasts shall be placed in a state of blockade, and that cruizers of war of the royal navy shall watch over the coasts of Sicily, in order that ammunition, arms, or any other articles which may be used in war, be not introduced into any part of the island.

BRITISH NOTIFICATION of the Danish Blockade of the German Ports, and of the Rivers Elbe, Weser, and Jahde.—London, April 10, 1849.

Foreign Office, April 10, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Her Majesty's Minister at Copenhagen a despatch dated the 3rd of April, 1849, inclosing a communication from the Danish Minister for Foreign Affairs, dated the 2nd instant, declaring that a blockade of the German ports of Cammin, Swinemunde, Wolgast, Greifswalde, Stralsund, and Rostock, will commence on the 5th instant, and that a blockade of the ports, Pillau and Danzig, and of the rivers, the Elbe, the Weser, and the Jahde, will commence on the 12th instant.

BRITISH NOTIFICATION of the Austrian Blockade of Venice.—London, April 10, 1849.

Foreign Office, April 10, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Viscount Ponsonby, Her Majesty's Ambassador at the Court of Vienna, a despatch dated April 1, 1849, stating that he had on that day received from the Austrian Minister for Foreign Affairs, a note dated the 31st of March, announcing that the blockade of Venice would commence on the 4th instant.

The tenor of the Austrian Minister's note is as follows :

(Translation.)

Vienna, March 31, 1849.

The Imperial Government finding it expedient to re-establish, from the 4th of April next, the blockade notified in the course of last year, with respect to the port of Venice, which blockade was interrupted by subsequent occurrences, the Undersigned, President of the Council, has the honour to request the Ambassador of England to bring this determination to the knowledge of his Government, and to add that the Imperial Vice-Admiral, charged with the execution of this measure, has orders to maintain it strictly.

The Undersigned, &c.

H.E. Viscount Ponsonby.

F. SCHWARZENBERG.

BRITISH NOTIFICATION of the raising of the Neapolitan Blockade of Palermo:—London, June 11, 1849.

Foreign Office, June 11, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch from Her Majesty's Minister at Naples, containing a copy of a letter from the Neapolitan Commadore to the French Naval Commander at Palermo, and which was communicated by the French Consul to Her Majesty's Consul at that place, announcing that the blockade of Palermo and the adjacent coast had been raised.

BRITISH NOTIFICATION of the Austrian Blockade of the Port of Ancona.—London, June 15, 1849.

Foreign Office, June 15, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch, dated the 8th of the month of June instant, inclosing a communication from the Austrian Government notifying the blockade of the port of Ancona by the naval forces of the Emperor of Austria.

The following is a translation of the notification received from the Austrian Government:

(Translation.)

Vienna, June 7, 1849.

The Undersigned, President of the Council, &c. has the honour to inform Mr. Magenis, &c. that the port of Ancona has been placed under effective blockade by the vessels of war of His Imperial and Royal Apostolic Majesty, and that, considering the hostile operations directed against that town from the land, this blockade must be looked upon as a regular siege.

As this blockade has only for its object to contribute towards the re-establishment of the legitimate authority within the territories of the Church, it follows, that it will be raised as soon as that object shall have been attained.

In requesting Mr. Magenis to have the goodness to bring this measure to the knowledge of his Government, the Undersigned, &c.

F. SCHWARZENBERG.

BRITISH NOTIFICATION of the raising of the Danish Blockade of certain Baltic Ports, and of the Rivers Elbe, Weser, and Jahde.—London, August 17, 1849.

Foreign Office, August 17, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch from Her Majesty's Minister at Copenhagen, inclosing an official notification from the Danish Minister of the Marine, of the cessation of the blockade of the Baltic ports, with the exception of those of the east coast of Holstein, and also of the cessation of the blockade of the Elbe and Weser, &c. on the 11th instant.

The following is a copy of the notification :

"The Minister of the Navy declares that the blockade of the harbours of Pillau, Danzig, Cammin, Swinemunde, Wolgast, Griefswalde, Stralsund, and Rostock is raised.

"On the 11th of August next the blockades will farther be raised of the rivers of Elbe, Weser, and Jahde, the western coast of the Duchy of Holstein, and all the harbours of the Duchy of Sleswic.

"The blockade continues along the east coast of the Duchy of Holstein, with the harbours of Neustadt, Heiligenhafen with Fehmer Sound, and the Bay of Kiel, with the entrance of the canal.

"The Ministry of the Navy, at Copenhagen, the 5th of August, 1849.

"ZAHRTMANN."

BRITISH NOTIFICATION of the Venezuelan Blockade of the Coast of Coro.—London, August 30, 1849.

Foreign Office, August 30, 1849.

It is hereby notified that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Mr. Riddel, the British Acting Consul-General at Caracas, a despatch dated the 12th of July last, reporting that a blockade of the coast of Coro, between the mouths of the Rivers Yaracuy and Oribono, had been declared by the Government of Venezuela, and inclosing a copy of the decree issued by that Government.

The following is a translation of the decree :

Republic of Venezuela.

JOSE TADEO MONAGAS, General of Division, President of the Republic, &c., &c., &c.

Considering ;

1st. That the first and most important of the attributes of the Executive Power is to preserve internal order and tranquillity;

2nd. That ex-General José Antonio Paez, not yet satisfied with the tears and blood he has caused to be shed, has just disembarked at the Vela de Coro, with the view of renewing hostilities against the Republic, pretending by his silly obstinacy in so criminal a design, to involve Venezuela in the calamities of another cruel and devastating war; and,

3rd. That, under such circumstances, the Government ought to hasten to dictate all such measures as may be within the sphere of its attributes, in order opportunely to obstruct the consequences of that invasion, to spare greater expense and sacrifices, and opportunely to bring back to their duties those who, departing therefrom a second time, show themselves more hostile and stubborn;

I decree:

ART. I. The coast of the province of Coro, extending from the disemboguing of the River Yaracuy to the mouth of the River Oribono, is declared in a state of blockade.

Only Clause. A maritime division, at present composed of 4 armed vessels of war, the strength of which will be gradually augmented, will enforce the blockade.

II. The vessels of war of friendly and neutral nations shall be allowed to enter into, depart from, and remain at the port of Vela de Coro, the Government being persuaded that they will not in any manner aid the enemies of the Republic.

III. For the penal effects of the blockade, 8 days are fixed for the Island of Curaçao and its dependencies St. Thomas and Santa Cruz; 30 days for vessels proceeding from Demerara and from the Antilles, not specified; 40 days for those proceeding from the United States of America; and 60 days for those coming from European ports.

Only Clause. During the lapse of time specified in this Article, the blockading squadron will limit itself to making known the existence of the blockade to all merchant vessels proceeding from the said points, for which purpose it will note down this fact in the certificate of registry, or on the document which accredits the nationality or property of the visited vessel, and also that it has been duly notified of the existence of the said blockade; and only in the event of attempting, after this notification, to enter at any point comprised within the limits of the blockade shall there be room for the detention and judgment of such vessel, in conformity with the laws and international right.

IV. The Secretary of State in the Departments of War and Marine is charged with the execution of this decree.

Given, signed with my hand, sealed with the seal of the Executive Power, and countersigned by the Secretary of State in the Depart-

ments of War and Marine, in Caracas, on the 9th of July, 1849, 20th year of our Law, and 39th of Independence.

JOSE TADEO MONAGAS.

BRITISH NOTIFICATION of the raising of the Danish Blockade of the East Coast of Holstein.—London, September 7, 1849.

Foreign Office, September 7, 1849.

It is hereby notified that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Her Majesty's Minister at Copenhagen a despatch, inclosing a communication from the Danish Government, dated the 25th of August last, declaring that the blockade of the east coast of the Duchy of Holstein, with the harbours of Neustadt, Heiligenhafen, with Fehmer Sound, and the Bay of Kiel, with the entrance of the Canal, is raised.

The Ministry of the Navy, at Copenhagen, the 25th of August, 1849.

ZAHRTMANN.

BRITISH NOTIFICATION of the raising of the Austrian Blockade of Venice.—London, September 17, 1849.

Foreign Office, September 17, 1849.

It is hereby notified that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch, dated the 1st instant, from Her Majesty's Ambassador at Vienna, inclosing a communication made by the Commander-in-chief of the Imperial and Royal Austrian Navy, dated the 27th of August last, notifying the raising of the blockade of Venice and its dependencies on that day.

BRITISH NOTIFICATION of the French Blockade of the West Coast of Africa between Grand Bassam and Assinee.—London, September 25, 1849.

Foreign Office, September 25, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from

the Lords Commissioners of the Admiralty the copy of a despatch, dated the 2nd of June last, and addressed to their Lordships by the Commodore of Her Majesty's squadron on the west coast of Africa, covering the copy of a letter addressed to him on the 28th of March last by the senior officer of the French naval forces on that coast, declaring that he had established, with an effective force, a belligerent blockade of that part of the west coast of Africa which lies between the rivers of Grand Bassam and Assinee.

BRITISH NOTIFICATION of the Turkish Blockade of the Island of Samos.—London, November 1, 1849.

Foreign Office, November 1, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Her Majesty's Ambassador at Constantinople a despatch, inclosing a circular, dated the 14th of October last, received by his Excellency from Aali Pasha, the Turkish Minister, announcing the blockade of the Island of Samos by a Turkish naval force; and that such blockade would be effective in 15 days from the said 14th of October.

TRAITE de Commerce et de Navigation, entre la Sardaigne et le Hanôvre.—Paris, le 11 Août, 1845.

[Ratifications échangées à Paris, le 7 Octobre, 1845.]

SA Majesté le Roi de Sardaigne, et Sa Majesté le Roi de Hanôvre, désirant consolider de plus en plus la bonne intelligence qui a si heureusement subsisté jusqu'ici entre les 2 Couronnes, et étendre les relations commerciales entre leurs sujets respectifs, sont convenues d'entrer en négociation pour conclure un Traité de Navigation et de Commerce.

A cet effet Sa Majesté le Roi de Sardaigne a muni de ses pleins pouvoirs le Marquis Antoine Brignole-Sale, Chevalier Grand Cordon de son Ordre Religieux et Militaire de Saint Maurice et Saint Lazare, Chevalier Grand-Croix des Ordres de Saint Joseph de Toscane, et du Daneborg de Danemark, Chevalier des Ordres de l'Aigle Blanc de Pologne et de Saint Stanislas de Russie, son Ministre d'Etat et son Ambassadeur auprès de Sa Majesté le Roi des Français;

Et Sa Majesté le Roi de Hanôvre a également muni de ses pleins

pouvoirs le Sieur Bodo Albert de Stockhausen, Chevalier de son Ordre des Guelphes, son Chambellan, Conseiller de Légation, et Ministre résidant auprès de Sa Majesté le Roi des Français ;

Lesquels Plénipotentiaires, après avoir échangé lesdits pleins pouvoirs, qu'ils ont trouvé en bonne et due forme, ont arrêté et signé les Articles suivants :

ART. I. Les navires Sardes qui entreront chargés ou sur lest dans les ports Hanôvriens, et réciproquement les navires Hanôvriens, qui entreront chargés ou sur lest dans les ports Sardes seront, quelle que soit leur provenance ou leur destination, traités, à leur entrée, à leur sortie, et pendant leur séjour, sur le même pied que les navires nationaux, pour tout ce qui concerne les droits de tonnage, de pilotage, de balisage, de quai, de port, de rade, de quarantaine, d'expédition, et généralement pour tous les droits ou charges quelconques qui affectent le navire, que ces droits soient perçus par l'Etat, les provinces, arrondissements, ou communes, ou qu'ils le soient par des établissements publics, ou particuliers, ou par des corporations.

II. Pour pouvoir jouir des avantages que leur assure le présent Traité les bâtiments respectifs de l'un et de l'autre Etat devront préalablement justifier de leur nationalité, d'après les lois et règlements établis dans chacun des 2 Etats.

Afin d'assurer l'accomplissement de cette clause les Hautes Parties Contractantes se communiqueront dans le moindre délai possible les documents exigés pour ladite justification, se réservant de donner mutuellement l'une à l'autre connaissance des modifications successives que chacune d'elles jugerait à propos d'apporter à cette partie de la législation maritime.

III. En tout ce qui concerne le placement des navires, leur chargement et leur déchargement dans les ports, bassins, rades, ou hâvres, rivières, et canaux de l'un des 2 Etats, il ne sera accordé aux navires nationaux aucune faveur, ni aucun privilège qui ne le soient également à ceux de l'autre Etat.

IV. Les navires de l'un des 2 Etats, qui entreront dans les ports de l'autre auront la faculté de ne charger ou décharger qu'une partie de leur cargaison, et de se rendre ensuite dans les autres ports du même Etat pour y compléter leur chargement ou déchargement.

V. Les navires de l'un des 2 Etats qui seront forcés d'entrer dans les ports de l'autre, soit par le mauvais temps, soit par suite de bris ou de naufrage, y jouiront, tant pour le bâtiment que pour la cargaison, des faveurs et immunités que la législation de chacun des 2 pays accorde à ses propres navires en pareille circonstance, pourvu que la nécessité de la relâche soit dûment constatée, et qu'ils ne se livrent à aucune opération de commerce en chargeant ou en déchargeant des marchandises. Il est bien entendu toutefois que les déchargements et rechargements, motivés par l'obligation de

réparer le navire, ne seront point considérés comme opérations de commerce.

Les Consuls et autres agents Consulaires respectifs seront admis à surveiller les opérations relatives au sauvetage de la cargaison, à la réparation, au ravitaillement ou à la vente, s'il y a lieu, des navires entrés en relâche, ou échoués, ou naufragés à la côte.

VI. Les navires de l'un des 2 Etats, qui entreront dans un des ports de l'autre pour y passer l'hiver, ne payeront d'autres, ni de plus forts droits de navigation que ceux auxquels sont assujettis en pareille circonstance les navires nationaux.

Si l'hivernage, la réparation du navire, ou d'autres circonstances exigeaient que la cargaison fût mise en entrepôt en tout ou en partie, il ne sera payé d'autres, ni de plus forts droits, impôts, ou charges quelconques sur ce qui en sortira pour être rembarqué et réexporté soit sur le même navire, soit sur tout autre, que les droits, impôts, et charges qui seraient perçus en pareil cas pour les cargaisons des navires nationaux.

VII. La navigation de côte ou de cabotage est exclusivement réservée, dans les 2 pays, aux navires nationaux.

VIII. Toute espèce d'objets de commerce provenant du sol ou de l'industrie des Etats de Sa Majesté le Roi de Sardaigne, ou de tout autre pays, qui pourront être légalement importés dans les Etats de Sa Majesté le Roi de Hanovre par les bâtiments Hanovriens; et réciproquement toute espèce d'objets de commerce provenant du sol ou de l'industrie des Etats de Sa Majesté le Roi de Hanovre, ou de tout autre pays, qui pourront être légalement importés dans les Etats de Sa Majesté le Roi de Sardaigne par les bâtiments Sardes, soit que ces bâtiments viennent directement des ports du pays dont ils portent le pavillon, soit qu'ils viennent de tout autre pays étranger, pourront également y être importés par les bâtiments de l'autre Partie Contractante, sans que ceux-ci soient tenus à payer d'autres ou de plus forts droits, de quelque espèce ou dénomination que ce soit, perçus au nom et au profit du Gouvernement, des autorités locales, ou d'établissements publics et particuliers quelconques, que ceux que ces mêmes objets payeraient dans le même cas s'ils étaient importés par des bâtiments nationaux.

IX. De la même manière toute espèce d'objets de commerce qui pourront être légalement exportés des ports de Sa Majesté le Roi de Sardaigne sur des bâtiments Sardes, pourront également en être exportés sur des bâtiments Hanovriens; et réciproquement toute espèce d'objets de commerce qui pourront être légalement exportés des ports de Sa Majesté le Roi de Hanovre sur des bâtiments Hanovriens pourront également en être exportés sur des bâtiments Sardes sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom et au

profit du Gouvernement, des autorités locales ou d'établissements publics et particuliers quelconques, que ceux qui seraient payés pour les mêmes objets s'ils étaient exportés sur des bâtiments nationaux.

X. Aucune priorité ou préférence ne sera accordée directement ou indirectement par l'une ou l'autre des Parties Contractantes, ni par aucune compagnie, corporation, ou individu, agissant en son nom ou sous son autorité, pour l'achat d'aucun objet de commerce légalement importé dans le territoire de l'autre, en considération de la nationalité du bâtiment qui aurait importé lesdits objets, soit qu'il appartienne à l'une ou à l'autre des Parties, dans les ports de laquelle ces objets de commerce auront été importés.

XI. Il ne pourra être imposé par l'une des Parties Contractantes au commerce et à la navigation de l'autre aucun droit nouveau ou plus élevé, ni aucune entrave ou restriction quelconque, qui ne soient appliqués également, et dans la même mesure, au commerce et à la navigation de tout autre pays.

Si l'une des Hautes Parties Contractantes accorde par la suite à quelqu'autre Etat des faveurs en matière de douanes ou de navigation autres ou plus grandes que celles stipulées dans la présente Convention, les mêmes faveurs deviendront communes à l'autre Partie, qui en jouira gratuitement, si la concession est gratuite, ou en donnant un équivalent, si la concession est conditionnelle. Dans ce dernier cas la fixation de l'équivalent fera l'objet d'une Convention spéciale entre les Hautes Parties Contractantes.

XII. Les Consuls, Vice-Consuls, et autres agents commerciaux respectifs seront autorisés à requérir l'assistance des autorités locales pour la recherche, l'arrestation, la détention, et l'emprisonnement des déserteurs des bâtiments de guerre et marchands de leurs pays. Ils s'adresseront, à cet effet, aux tribunaux, juges, et officiers compétents, et ils réclameront par écrit les déserteurs sus-mentionnés en prouvant, par la communication des registres des bâtiments ou rôles des équipages, ou par d'autres documents officiels, que ces individus ont fait partie des équipages. Cette réclamation ainsi prouvée, l'extradition ne sera point refusée. Les déserteurs, lorsqu'ils auront été arrêtés seront mis à la disposition desdits Consuls ou autres agents commerciaux, et pourront être enfermés dans les prisons publiques, à la réquisition et aux frais de ceux qui les réclament, pour être retenus jusqu'au moment où ils pourront être rendus aux bâtiments auxquels ils appartiennent, ou pour être renvoyés dans leurs pays sur des bâtiments nationaux ou autres. Mais s'ils ne sont pas renvoyés dans l'espace de 3 mois à compter du jour de leur arrestation, ils seront mis en liberté, et ne pourront plus être arrêtés pour la même cause. Toutefois, si le déserteur se trouvait avoir commis quelque crime ou délit dans le pays de son arrestation, il pourra être sursis à son extra-

dition jusqu'à ce que le tribunal saisi de cette affaire ait rendu sa sentence, et que celle-ci ait reçu son exécution.

XIII. Les navires Sardes et leurs chargements seront traités, quant au taux et au mode de perception des droits de Stade ou de Bruns-
hausen, sur le pied des navires et chargements des nations les plus favorisées, à l'exception seulement de la Ville de Hambourg et du Royaume de Danemark pour le Duché de Holstein, riverain de l'Elbe.

XIV. Les dispositions du présent Traité seront applicables à la Principauté de Monaco. En conséquence les avantages accordés au commerce et au pavillon Sardes dans les Etats Hanôvriens y seront également accordés aux marchandises et aux navires appartenant aux sujets de ladite Principauté; et, par contre, les avantages accordés au commerce et au pavillon Hanôvriens dans les Etats Sardes seront également établis dans la Principauté de Monaco en faveur du commerce et du pavillon Hanôvriens.

XV. Le présent Traité aura force et vigueur pendant 8 années, à dater du jour de l'échange des ratifications. Si un an avant l'expiration de ce terme le présent Traité n'est pas dénoncé, il continuera à être obligatoire, d'année en année, jusqu'à ce que l'une des Hautes Parties Contractantes ait annoncé à l'autre, mais un an à l'avance, son intention d'en faire cesser les effets.

XVI. Les ratifications du présent Traité seront échangées dans le délai de 3 mois, ou plutôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé en double original et y ont apposé les sceaux de leurs armes.

Fait à Paris, le 11 du mois d'Août de l'an de grâce, 1845.

(L.S.) A. BRIGNOLE-SALE.

(L.S.) STOCKHAUSEN.

ARTICLE SEPARÉ.

Sa Majesté le Roi de Sardaigne jugeant convenable, par des motifs particuliers, de continuer à percevoir pour à présent des droits différentiels au détriment des pavillons étrangers sur les blés, l'huile d'olive, et le vin importés directement de la Mer Noire, des ports de la Mer Adriatique, et de ceux de la Méditerranée jusqu'au Cap Trafalgar, non-obstant les Articles I et VIII du présent Traité, il est spécialement entendu et établi entre les Hautes Parties Contractantes que Sa Majesté le Roi de Hanovre aura pleine et entière liberté d'établir au détriment du pavillon Sarde des droits différentiels équivalents sur les mêmes articles importés des mêmes pays, dans le cas où la perception des droits différentiels continuerait à être exercée au détriment du pavillon Hanôvrien par Sa Majesté le Roi de Sardaigne au-delà de l'espace de 4 ans, à compter du jour de l'échange des ratifications du présent Traité et Article Séparé. Mais ces droits

différentiels équivalents, de quelque espèce qu'ils soient, sur lesdits articles de commerce cesseront d'être perçus du moment où le Gouvernement de Hanovre aura été informé d'office de la cessation des droits différentiels de la part de Sa Majesté Sarde.

Le présent Article Séparé aura la même force et valeur que s'il avait été inséré mot-à-mot dans le Traité signé aujourd'hui, et sera ratifié en même temps.

En foi de quoi, nous Soussignés, en vertu de nos pleins pouvoirs, avons signé le présent Article Séparé et y avons apposé les sceaux de nos armes.

Fait à Paris, le 11 du mois d'Août de l'an de grâce 1845.

(L.S.) A. BRIGNOLE-SALE.

(L.S.) STOCKHAUSEN.

DECLARATION pour étendre à la Principauté de Monaco la Convention de Navigation du 18 Juillet, 1844, conclue à Paris entre Sardaigne et les Villes libres et Anséatiques de Lubeck, Brême, et Hambourg.—Paris, le 27 Janvier, 1846.*

[Ratifications échangées à Paris, le 26 Mars, 1846.]

SON ALTESSE le Prince de Monaco ayant exprimé à Sa Majesté le Roi de Sardaigne le désir que la Principauté de ce nom soit comprise dans la Convention de Navigation, conclue entre la Sardaigne et les Villes libres et Anséatiques le 18 Juillet, 1844, Sa Majesté le Roi de Sardaigne a porté ce désir à la connaissance des Hauts Sénats des villes libres et Anséatiques de Lubeck, Brême, et Hambourg, qui ont déclaré y donner leur adhésion.

En conséquence nous Soussignés : Marquis Antoine Brignole-Sale, Chevalier Grand Cordon de l'Ordre Religieux et Militaire de St.-Maurice et St.-Lazare, Chevalier Grand Croix de l'Ordre de St.-Joseph de Toscane, Chevalier des Ordres de l'Aigle Blanc et de St.-Stanislas de Russie, Ministre d'Etat de Sa Majesté le Roi de Sardaigne et son Ambassadeur auprès de Sa Majesté le Roi des Français ; et

Vincent Rumpff, Ministre-Résident des Villes libres et Anséatiques de Lubeck, Brême, et Hambourg près Sa Majesté le Roi des Français ;

En vertu de l'autorisation spéciale qui nous a été conférée à cet effet par nos Souverain et Gouvernements respectifs, avons stipulé, en leurs noms, la déclaration suivante :

ART. I. Les dispositions de la Convention de Navigation, conclue

le 18 Juillet, 1844, entre Sa Majesté le Roi de Sardaigne d'une part, et les Villes libres et Anséatiques de Lubeck, Brème, et Hambourg d'autre part, seront applicables à la Principauté de Monaco.

II. Les clauses de cette Convention relatives aux avantages accordés à la navigation Sarde dans les Républiques Anséatiques, y seront également mises en vigueur en faveur des navires de la Principauté de Monaco; et par contre les clauses relatives aux avantages accordés à la navigation Anséatique dans les Etats Sardes, seront également mises en vigueur dans ladite Principauté.

III. La présente déclaration sera considérée comme faisant partie intégrante de la Convention du 18 Juillet, 1844, et les ratifications en seront échangées dans le délai de 2 mois à dater du jour de la signature, ou plutôt si faire se peut.

En foi de quoi nous avons signé la présente déclaration, à laquelle nous avons apposé le sceau de nos armes.

Fait à Paris, le 27 Janvier de l'an de grâce 1846.

(L.S.) A. BRIGNOLE SALE.

(L.S.) V. RUMPF.

TRAITE de Commerce et de Navigation, entre la Sardaigne et le Grand Duc d'Oldenbourg.—Berlin, le 21 Avril. 1846.

[Ratifications échangées à Berlin, le 17 Juin, 1846.]

SA Majesté le Roi de Sardaigne, et Son Altesse Royale le Grand Duc d'Oldenbourg, désirant consolider de plus en plus la bonne intelligence qui a si heureusement subsisté jusqu'ici entre les 2 pays, et étendre les relations commerciales entre leurs sujets respectifs, sont convenus d'entrer en négociation pour conclure un Traité de Navigation et de Commerce.

A cet effet Sa Majesté le Roi de Sardaigne a muni de ses pleins pouvoirs le Comte Charles Rossi, Commandeur de son Ordre Religieux et Militaire de Saint Maurice et de Saint Lazare, Grand' Croix de l'Aigle Rouge de Prusse et du Mérite de Saint Michel de Bavière, Major-Général dans ses Armées, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Prusse;

Et Son Altesse Royale le Grand Duc d'Oldenbourg a également muni de ses pleins pouvoirs le Colonel et Chambellan de Röder, Commandeur de l'Ordre Grand Ducal du Mérite, Commandeur de 1re Classe des Ordres d'Ernest de Saxe, du Lion de Brunswic, du Christ, de Saint Benoît d'Avis et de la Conception de Portugal, Chevalier de l'Ordre de 2de Classe de l'Aigle Rouge de Prusse, et Chevalier de l'Ordre du Mérite de Bavière, Ministre Résident de Son Altesse Royale le Grand Duc d'Oldenbourg près la Cour de Prusse;

Lesquels Plénipotentiaires après avoir échangé lesdits pleins pouvoirs, qu'ils ont trouvé en bonne et due forme, ont arrêté et signé les Articles suivants :

ART. I. Les navires Sardes qui entreront chargés ou sur lest dans les ports du Grand Duché d'Oldenbourg, et réciproquement les navires Oldenbourgeois qui entreront chargés ou sur lest dans les ports Sardes, seront, quelle que soit leur provenance ou leur destination, traités, à leur entrée, à leur sortie, et pendant leur séjour, sur le même pied que les navires nationaux, pour tout ce qui concerne les droits de tonnage, de pilotage, de balisage, de quai, de port, de rade, de quarantaine, d'expédition, et généralement pour tous les droits ou charges quelconques qui affectent le navire, que ces droits soient perçus par l'Etat, les Provinces, arrondissements ou communes, ou qu'ils le soient par des établissements publics ou particuliers, ou par des corporations.

II. Pour pouvoir jouir des avantages que leur assure le présent Traité les bâtiments respectifs de l'un et de l'autre Etat devront préalablement justifier de leur nationalité.

Les Hautes Parties Contractantes se réservent d'échanger des déclarations qui indiqueront d'une manière claire et précise, les papiers et documents dont les Etats respectifs exigent que leurs navires soient munis, et de se donner mutuellement l'une à l'autre connaissance des modifications successives que chacune d'elles jugerait à propos d'apporter à cette partie de la législation maritime.

III. En tout ce qui concerne le placement des navires, leur chargement et leur déchargement dans les ports, bassins, rades ou havres, rivières et canaux de l'un des 2 Etats, il ne sera accordé aux navires nationaux aucune faveur, ni aucun privilège qui ne le soient également à ceux de l'autre Etat.

IV. Les navires de l'un des 2 Etats, qui entreront dans les ports de l'autre, auront la faculté de ne charger ou décharger qu'une partie de leur cargaison, et de se rendre ensuite dans les autres ports du même Etat pour y compléter leur chargement ou déchargement.

V. Les navires de l'un des 2 Etats, qui seront forcés d'entrer dans les ports de l'autre, soit par le mauvais temps, soit par suite de bris ou de naufrage, y jouiront, tant pour le bâtiment, que pour la cargaison, des faveurs et immunités que la législation de chacun des 2 pays accorde à ses propres navires en pareille circonstance, pourvu que la nécessité de la relâche soit dûment constatée, et qu'ils ne se livrent à aucune opération de commerce en chargeant ou en déchargeant des marchandises.

Il est bien entendu toutefois que les déchargements et rechargements motivés par l'obligation de réparer le navire, ne seront point considérés comme opérations de commerce.

Les Consuls et autres agents consulaires respectifs seront admis à surveiller les opérations relatives au sauvetage de la cargaison, à la

réparation, au ravitaillement ou à la vente, s'il y a lieu, des navires entrés en relâche, ou échoués, ou naufragés à la côte.

VI. Les navires de l'un des 2 Etats, qui entreront dans un des ports de l'autre pour y passer l'hiver, ne payeront d'autres, ni de plus forts droits de navigation, que ceux auxquels sont assujettis en pareille circonstance les navires nationaux.

Si l'hivernage, la réparation du navire, au d'autres circonstances exigeaient que la cargaison fût mise en entrepôt en tout ou en partie, il ne sera payé d'autres, ni de plus forts droits, impôts, ou charges quelconques sur ce qui en sortira pour être rembarqué et ré-exporté, soit sur le même navire, soit sur tout autre, que les droits, impôts, et charges qui seraient perçus en pareil cas pour les cargaisons des navires nationaux.

VII. La navigation de côte ou de cabotage est exclusivement réservée, dans les 2 pays, aux navires nationaux.

VIII. Toute espèce d'objets de commerce provenant du sol ou de l'industrie des Etats de Sa Majesté le Roi de Sardaigne, ou de tout autre pays, qui pourront être légalement importés dans les Etats de Son Altesse Royale le Grand Duc d'Oldenbourg par les bâtiments Oldenbourgeois, et réciproquement toute espèce d'objets de commerce provenant du sol ou de l'industrie des Etats de Son Altesse Royale le Grand Duc d'Oldenbourg, ou de tout autre pays, qui pourront être légalement importés dans les Etats de Sa Majesté le Roi de Sardaigne par les bâtiments Sardes, soit que ces bâtiments viennent directement des ports du pays dont ils portent le pavillon, soit qu'ils viennent de tout autre pays étranger, pourront également y être importés par les bâtiments de l'autre Partie Contractante, sans que ceux-ci soient tenus à payer d'autres ou de plus forts droits, de quelque espèce ou dénomination que ce soit, perçus au nom et au profit du Gouvernement, des Autorités locales, ou d'établissements publics et particuliers quelconques, que ceux que ces mêmes objets payeraient dans le même cas s'ils étaient importés par des bâtiments nationaux.

IX. De la même manière toute espèce d'objets de commerce qui pourront être légalement exportés des ports de Sa Majesté le Roi de Sardaigne sur des bâtiments Sardes, pourront également en être exportés sur des bâtiments Oldenbourgeois ; et réciproquement toute espèce d'objets de commerce qui pourront être légalement exportés des ports de Son Altesse Royale le Grand Duc d'Oldenbourg sur des bâtiments Oldenbourgeois, pourront également en être exportés sur des bâtiments Sardes, sans payer d'autres ou de plus forts droits ou charges de quelque espèce ou dénomination que ce soit, perçus au nom et au profit du Gouvernement, des Autorités locales, ou d'établissements publics et particuliers quelconques, que ceux qui seraient payés pour les mêmes objets, s'ils étaient exportés sur des bâtiments nationaux.

X. Aucune priorité ou préférence ne sera accordée directement ou indirectement par l'une ou l'autre des Parties Contractantes, ni par aucune compagnie, corporation, ou individu, agissant en son nom ou sous son autorité, pour l'achat d'aucun objet de commerce légalement importé dans le territoire de l'autre, en considération de la nationalité du bâtiment qui aurait importé lesdits objets, soit qu'il appartienne à l'une ou à l'autre des Parties, dans les ports de laquelle ces objets de commerce auront été importés.

XI. Il ne pourra être imposé par l'une des Parties Contractantes au commerce et à la navigation de l'autre aucun droit nouveau ou plus élevé, ni aucune entrave ou restriction quelconque, qui ne soient appliqués également et dans la même mesure au commerce et à la navigation de tout autre pays.

Si l'une des Hautes Parties Contractantes accorde par la suite à quelqu'autre Etat des faveurs en matière de douanes ou de navigation autres ou plus grandes que celles stipulées dans la présente Convention, les mêmes faveurs deviendront communes à l'autre Partie, qui en jouira gratuitement, si la concession est gratuite, ou en donnant un équivalent, si la concession est conditionnelle. Dans ce dernier cas la fixation de l'équivalent fera l'objet d'une Convention spéciale entre les Hautes Parties Contractantes.

XII. Les Consuls, Vice-Consuls et autres Agents commerciaux respectifs, seront autorisés à requérir l'assistance des autorités locales pour la recherche, l'arrestation, la détention, et l'emprisonnement des déserteurs des bâtiments de guerre et marchands de leur pays. Ils s'adresseront, à cet effet, aux tribunaux, juges, et officiers compétents, et ils réclameront par écrit les déserteurs sus-mentionnés, en prouvant par la communication des registres des bâtiments ou rôles des équipages, ou par d'autres documents officiels, que ces individus ont fait partie des équipages. Cette réclamation ainsi prouvée, l'extradition ne sera point refusée. Les déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition desdits Consuls ou autres agents commerciaux, et pourront être enfermés dans les prisons publiques, à la requisition et aux frais de ceux qui les réclament, pour être retenus jusqu'au moment où ils pourront être rendus aux bâtiments auxquels ils appartiennent, ou pour être renvoyés dans leur pays sur des bâtiments nationaux ou autres. Mais s'ils ne sont pas renvoyés dans l'espace de 3 mois à compter du jour de leur arrestation, ils seront mis en liberté, et ne pourront plus être arrêtés pour la même cause. Toutefois, si le déserteur se trouvait avoir commis quelque crime ou délit dans les pays de son arrestation, il pourra être sursis à son extradition jusqu'à ce que le tribunal, saisi de cette affaire, ait rendu sa sentence, et que celle-ci ait reçu son exécution.

XIII. Les dispositions du présent Traité seront applicables à la Principauté de Monaco. En conséquence les avantages accordés au

commerce et au pavillon Sarde dans les Etats du Grand Duché d'Oldenbourg, y seront également accordés aux marchandises et aux navires appartenants aux sujets de ladite Principauté; et par contre, les avantages accordés au commerce et au pavillon Oldenbourgeois dans les Etats Sardes seront également établis dans la Principauté de Monaco, en faveur du commerce et du pavillon Oldenbourgeois.

XIV. Le présent Traité aura force et vigueur pendant 8 années à dater du jour de l'échange des ratifications. Si un an avant l'expiration de ce terme le présent Traité n'est pas dénoncé, il continuera à être obligatoire d'année en année, jusqu'à ce que l'une des Hautes Parties Contractantes ait annoncé à l'autre, mais un an à l'avance, son intention d'en faire cesser les effets.

XV. Les ratifications du présent Traité seront échangées à Berlin dans le délai de 3 mois, ou plus tôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé en double original, et y ont apposé les sceaux de leurs armes.

Fait à Berlin, le 21 Avril, de l'an de grâce 1846.

(L.S.) ROSSI.

(L.S.) DE RODER.

ARTICLE SEPARÉ.

Sa Majesté le Roi de Sardaigne jugeant convenable, par des motifs particuliers, de continuer à percevoir pour à présent des droits différentiels au détriment des pavillons étrangers sur les blés, l'huile d'olive, et le vin importés directement de la Mer Noire, des ports de la Mer Adriatique et de ceux de la Méditerranée jusqu'au Cap Trafalgar, non obstant les Articles I et VIII du présent Traité, il est spécialement entendu et établi entre les Hautes Parties Contractantes que Son Altesse Royale le Grand Duc d'Oldenbourg aura pleine et entière liberté d'établir au détriment du pavillon Sarde des droits différentiels équivalents sur les mêmes articles importés des mêmes pays, dans le cas où la perception des droits différentiels continuerait à être exercée au détriment du pavillon Oldenbourgeois par Sa Majesté le Roi de Sardaigne, au delà de l'espace de 4 ans à compter du jour de l'échange des ratifications des présents Traité et Article Séparé. Mais ces droits différentiels équivalents, de quelque espèce qu'ils soient, sur les dits articles de commerce, cesseront d'être perçus du moment où le Gouvernement d'Oldenbourg aura été informé d'office de la cessation des droits différentiels de la part de Sa Majesté Sarde.

Le présent Article Séparé aura la même force et valeur que s'il avait été inséré mot-à-mot dans le Traité signé aujourd'hui, et sera ratifié en même temps.

En foi de quoi, nous Soussignés, en vertu de nos pleins pouvoirs, avons signé le présent Article Séparé, et y avons apposé les sceaux de nos armes.

Fait à Berlin, le 21 Avril, de l'an de grâce 1846.

(L.S.) ROSSI.

(L.S.) DE RODER.

ARTICLE ADDITIONNEL.

Berlin, le 14 Mai, 1846.

Les sujets de chacune des Parties Contractantes pourront librement disposer par testament, donation, ou autrement des biens personnels qu'il posséderont dans les Etats de l'autre, et leurs héritiers qui seront sujets de l'autre nation, pourront succéder à leurs biens personnels soit en vertu d'un testament, soit *ab intestato*, et en prendre possession soit en personne, soit par d'autres agissant en leur nom; ils pourront en outre en disposer à leur gré, en ne payant à cet effet que les mêmes impositions, taxes, ou droits auxquels sont assujettis dans des cas semblables les habitants du pays où se trouvent lesdits biens. En cas d'absence des héritiers, on donnera pour la conservation desdits biens les mêmes dispositions qu'on prendrait en pareil cas pour les propriétés des natifs du pays jusqu'à ce que le propriétaire ait fait les arrangements nécessaires pour recueillir l'héritage. S'il s'élevait des contestations entre différents prétendants quant aux droits que chacun d'eux soutiendrait d'avoir sur la succession, elles seront décidées en dernier ressort par les Juges et selon les lois du pays où ces biens seront situés. Et si par la mort d'une personne possédant des biens-fonds sur le territoire d'une des 2 Parties Contractantes, ces biens-fonds venaient à passer, par la dernière volonté de leur possesseur, à un sujet de l'autre Partie qui par sa qualité d'étranger serait inhabile à les posséder, on lui accordera un délai convenable pour les vendre, pour en retirer et emporter le produit sans obstacles d'aucune sorte, et sans qu'on lui impose au profit du Gouvernement respectif aucune taxe, imposition, ou droits plus forts que ceux auxquels seraient soumis en pareil cas les habitants du pays où ces biens sont situés.

Le présent Article Additionnel aura la même force et valeur que s'il avait été inséré mot-à-mot dans le Traité signé le 21 Avril dernier et sera ratifié en même temps.

En foi de quoi, nous Soussignés, en vertu de nos pleins pouvoirs, avons signé le présent Article Additionnel, et y avons apposé les sceaux des nos armes.

Fait à Berlin, le 14 Mai, 1846.

(L.S.) ROSSI.

(L.S.) DE RODER.

TRAITE de Commerce et de Navigation, entre les Pays-Bas et le Royaume des 2 Siciles.—Conclu à Naples le 17 Novembre, 1847.

[Ratifications échangées à Naples, le 29 Février, 1848.]

SA Majesté le Roi des Pays-Bas, d'une part, et Sa Majesté le Roi des 2 Siciles, d'autre part, désirant faciliter et étendre, d'une manière réciproquement avantageuse, les relations de navigation et de com-

merce entre les 2 pays, sont convenus dans ce but d'entrer en négociation, et ont nommé à cet effet pour leurs Plénipotentiaires respectifs, savoir :

Sa Majesté le Roi des Pays-Bas, Monsieur le Comte Augusto de Liedekerke Beaufort, Commandeur, etc. Chambellan de Sa Majesté et son Envoyé Extraordinaire et Ministre Plénipotentiaire près le St. Siège et Sa Majesté le Roi de Sardaigne ;

Et Sa Majesté le Roi du Royaume des 2 Siciles, Don Justin Fortunato, Chevalier Grand-Croix, etc. Ministre Secrétaire d'Etat des Finances ;

Don Michel Gravina et Requesenz, Prince de Comitini, Chevalier Grand-Croix, etc. Gentilhomme Ordinaire de la Chambre et Ministre Secrétaire d'Etat de Sa Majesté, et Don Antoine Spinelli, des Princes de Scalea, Commandeur, etc. Gentilhomme de la Chambre de Sa Majesté, Membre de la Consulte Générale, Surintendant des Archives du Royaume et Intendant de la province de Naples ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les sujets respectifs des 2 Hautes Parties Contractantes auront le droit de voyager, de résider, et de trafiquer, dans toutes les parties des Etats de chacune d'elles ; à cet effet, ils y jouiront de la même sûreté et de la même protection dont jouissent les habitants du pays, sauf les précautions de police qui sont ou seront employées envers les nations les plus favorisées.

Ils auront droit d'occuper des maisons et des magasins, et de disposer de leur propriété personnelle, de quelque nature et dénomination qu'elle soit, par vente, par donation, échange ou testament, et de quelque autre manière que ce soit, sans qu'il soit élevé à cet égard le plus léger obstacle ou empêchement.

Ils ne seront tenus sous aucun prétexte à payer d'autres taxes ou impôts que ceux qui sont ou pourront être payés par les nations les plus favorisées.

Ils sont exempts de tout service militaire, soit de terre, soit de mer, d'emprunts forcés et de toute contribution extraordinaire, à moins qu'elle ne soit générale et établie par une loi.

Leurs habitations, magasins et tout ce qui en fait partie et leur appartient comme objet de commerce ou de résidence, seront respectés.

Ils ne seront pas soumis à des perquisitions vexatoires. On ne pourra faire aucun examen, ni aucune inspection arbitraire de leurs livres, papiers et comtes de commerce, et les opérations de ce genre ne pourront être pratiquées qu'en vertu d'une sentence légale des tribunaux compétents.

Les Hautes Parties Contractantes s'engagent mutuellement à garantir en toute occasion aux sujets de l'une d'elles, qui résident

dans les domaines de l'autre, la conservation de leurs propriétés et de leur sûreté personnelle, de la même manière dont elle est garantie à leurs sujets et aux sujets ou citoyens des nations les plus favorisées.

II. Les sujets de l'une des 2 Hautes Parties Contractantes pourront dans les Etats de l'autre traiter librement toutes leurs affaires par eux-mêmes, ou les commettre à la gestion de toutes les personnes qu'ils nommeront pour leur servir d'intermédiaires, facteurs ou agents, sans être entravés, en quoi que ce soit, dans le choix de ces personnes.

Ils ne seront tenus à payer aucun salaire, ni aucune rémunération à quiconque n'aurait pas été choisi par eux.

Pleine liberté sera laissée dans tous les cas à l'acheteur et au vendeur de ne négocier ensemble et de fixer le prix d'un objet ou d'une marchandise quelconque importée dans les Etats de l'une ou de l'autre des 2 Hautes Parties Contractantes, ou qui devrait en être exportée, sauf en général les affaires pour lesquelles les lois et usages du pays réclameront l'emploi d'agents spéciaux.

III. Les sujets d'une des 2 Hautes Parties Contractantes ne seront pas soumis dans les Etats de l'autre à un système de visite et de perquisition de la part des officiers de l'administration des droits d'entrée et de sortie, plus rigoureux que celui auquel sont soumis les propres sujets et les sujets ou citoyens des nations les plus favorisées.

IV. Les capitaines et patrons des navires respectifs seront réciproquement exempts de toute obligation de recourir, dans les ports respectifs des 2 Etats, aux expéditionnaires officiels et ils pourront en conséquence se servir, soit de leurs consuls, soit des expéditionnaires désignés par ceux-ci ; sauf les cas spéciaux prévus par les lois des 2 Etats, aux dispositions desquelles la présente clause n'apporte aucune dérogation.

V. Il y aura liberté réciproque de navigation et de commerce entre le Royaume des Pays-Bas et celui des 2 Siciles.

Les Navires Néerlandais venant directement d'un des ports des Pays-Bas en Europe, qui entreront chargés dans les ports du Royaume des 2 Siciles ou qui en sortiront, et réciproquement les navires des 2 Siciles venant directement d'un des ports des 2 Siciles, qui entreront chargés dans les ports du Royaume des Pays-Bas en Europe ou qui en sortiront, seront traités sur le pied des nationaux, en ce qui concerne les droits de tonnage, de pavillon, de port, d'ancrage, de pilotage, de remorque, de balise, de phare, d'écluse, de canal, de quarantaine, d'entrepôt, ou autres charges qui pèsent sur la coque du navire, sous quelque dénomination que ce soit, perçus au nom ou au profit de la couronne, du Gouvernement, de fonctionnaires publics, communautés ou établissements quelconques.

Les dispositions qui précèdent seront également applicables aux navires sur lest des 2 nations, quel que soit le lieu de leur départ ou celui de leur destination.

Seront complètement affranchis de droit de tonnage et d'expédition dans les ports des 2 Etats respectifs les navires qui, entrés sur lest ou avec chargement en relâche forcée dans un port, en sortiront sans avoir rompu charge ou fait aucune opération de commerce.

En cas de relâche forcée, ne seront pas considérés, comme opération de commerce, le débarquement et le rechargement des marchandises pour la réparation du navire, le transbordement sur un autre navire dans le cas où le premier serait devenu impropre à la navigation, ainsi que les dépenses nécessaires au ravitaillement des équipages.

VI. En ce qui concerne le placement des navires, leur chargement et déchargement dans les ports, rades et bassins, et généralement pour toutes les formalités et dispositions quelconques, auxquelles peuvent être soumis les navires de commerce, leur équipage et leur chargement, il est convenu qu'il sera accordé aux navires nationaux aucun privilège ni aucune faveur, qui ne le soit également à ceux de l'autre partie ; la volonté des Hautes Parties Contractantes étant que, sous ce rapport aussi, leurs navires soient traités sur le pied d'une parfaite égalité.

VII. Tous objets de commerce dont l'importation ou l'exportation pourra légalement avoir lieu dans les Etats des Hautes Parties Contractantes par les navires nationaux, pourront également y être importés ou en être exportés par des navires appartenant à l'autre partie.

Les produits du sol et de l'industrie des 2 pays et des colonies Néerlandaises, venant des ports des Pays-Bas en Europe, ne payeront d'autres ni de plus forts droits d'entrée et de transit, à l'importation tant par mer que par terre, que les produits similaires importés de tout autre pays.

Toutes les marchandises du Royaume des Pays-Bas, importées d'un port Néerlandais en Europe, sous pavillon national, dans le Royaume des 2 Siciles, ou d'un port du Royaume des 2 Siciles, sous son pavillon, dans un des dits ports du Royaume des Pays-Bas, jouiront réciproquement des mêmes exemptions, restitutions, primes, ou autres faveurs, ne payeront respectivement d'autres droits, et ne seront assujetties à d'autres formalités que si l'importation avait lieu sous pavillon national. Il en sera de même pour les marchandises de toute espèce du Royaume des Pays-Bas, exportées d'un port Néerlandais sous pavillon du Royaume des 2 Siciles et de ce Royaume sous pavillon des Pays-Bas. Il est d'ailleurs bien entendu que cette disposition ne s'applique qu'à la navigation directe entre les 2 pays.

Les marchandises importées dans les ports des Pays-Bas ou du Royaume des 2 Siciles par navires de l'une ou de l'autre partie, pourront y être destinées à la consommation, au transit ou à la réexportation, où celle-ci est autorisée, ou enfin être mis en entrepôt, dans les lieux où respectivement il en existe, au gré du propriétaire ou de ses ayants-cause ; le tout aux mêmes conditions et sans être assujetties à des droits de magasinage, de surveillance ou autres de cette nature plus forts que ceux auxquels seront soumises les marchandises apportées par navires nationaux.

VIII. Le Royaume des 2 Siciles ne possédant pas de colonies, et par conséquent le principe d'une entière réciprocité, servant de base au présent Traité, ne pouvant leur être appliqué, il a été convenu entre les Hautes Parties Contractantes qu'en compensation de l'admission dans le Royaume des 2 Siciles de tous les produits du sol et de l'industrie des colonies Néerlandaises, venant des ports des Pays-Bas, aux termes de l'Article VII^{me}, les huiles d'olive et le soufre raffiné, importés directement dans les ports Néerlandais par des bâtiments de l'un ou de l'autre pays, jouiront d'une réduction de 50 cents sur le droit établi par le tarif de douane.

IX. Tous privilèges, faveurs, ou immunités accordés en matière de commerce ou de navigation par les Hautes Parties Contractantes à d'autres Puissances, seront accordées pareillement à leurs sujets respectifs.

Si toutefois ces faveurs, privilèges, ou immunités avaient été accordés à d'autres nations à titre onéreux, les Hautes Parties Contractantes pourront les réclamer également pour leurs sujets moyennant une compensation équivalente à fixer de commun accord.

X. Sa Majesté le Roi des Pays-Bas déclare que le commerce des sujets de Sa Majesté le Roi des 2 Siciles n'est entravé en aucune manière par un monopole ou privilège exclusif d'achat ou de vente quelconque dans ses Etats en Europe, et qu'ainsi les sujets de Sa Majesté le Roi du Royaume des 2 Siciles ont dans ces Etats la faculté pleine et illimitée de vendre ou d'acheter selon leur libre arbitre, et Sa Majesté le Roi des Pays-Bas s'engage à ne pas changer l'ordre établi actuellement sous ce rapport dans ses Etats précités.

Sa Majesté le Roi du Royaume des 2 Siciles promet de son côté qu'une liberté pareille de vendre et d'acheter sera assurée aux sujets de Sa Majesté Néerlandaise, commerçant ou résidant dans le Royaume des 2 Siciles.

Sont exceptés toutefois les privilèges royaux pour les tabacs, sels, cartes à jouer, poudre à tirer et salpêtre. Bien entendu qu'aucune des stipulations du présent Traité n'est contraire au droit des Hautes Parties Contractantes d'accorder des brevets d'invention ou de perfectionnement, soit aux inventeurs, soit à d'autres, et que la réciprocité établie par le présent Traité ne s'étend pas aux primes que les 2

Hautes Parties Contractantes peuvent respectivement accorder à leurs propres sujets, dans le but d'encourager la construction des navires nationaux.

XI. Dans tous les cas où le droit imposé dans un des 2 Royaumes sur les marchandises de l'autre ne sera pas une somme déterminée, mais proportionnée à la valeur des marchandises, ce droit *ad valorem* sera déterminé et fixé de la manière suivante. Celui qui importe donnera à l'entrée de la douane une déclaration, indiquant la valeur des marchandises, telle qu'il croit convenable, et dans le cas où les employés de la douane jugeraient cette évaluation insuffisante, ils auront le droit de prendre les marchandises, en payant à celui qui les importe leur valeur d'après la déclaration qui a été faite, avec un surplus de 10 pour cent, et les employés lui restitueront en même temps tous les droits qui auraient été payés sur les marchandises.

XII. Les stipulations du présent Traité ne s'appliqueront point à la navigation de côte ou cabotage, qui a lieu d'un port à l'autre dans chacun des 2 pays.

Toutefois les navires de chacune des Parties Contractantes pourront prendre ou débarquer une partie de leur cargaison dans un port des Etats de l'autre, et compléter ensuite leur chargement ou débarquer le reste dans un ou plusieurs autres ports des mêmes Etats, sans payer d'autres droits que ceux auxquels sont soumis les navires nationaux et ceux des nations les plus favorisées.

XIII. La nationalité des navires respectifs sera connue et admise, de part et d'autre, d'après les lois et règlements particuliers à chaque Etat, au moyen des titres délivrés par les autorités compétentes aux capitaines ou patrons.

XIV. Si un bâtiment de guerre ou de commerce fait naufrage sur les côtes des Etats de l'une ou de l'autre des Hautes Parties Contractantes, ce bâtiment ou ses débris, ainsi que les effets ou marchandises sauvés, ou leur produit s'ils ont été vendus, seront fidèlement restitués aux propriétaires, à leur demande ou à celle des agents légalement autorisés par eux, et s'il ne se trouve ni propriétaire, ni agent sur le lieu, alors les effets, les marchandises ou leur produit, ainsi que tous les papiers trouvés à bord du navire naufragé, seront consignés au Consul ou Vice-Consul Néerlandais ou des 2 Siciles du district où le naufrage aura eu lieu; et ce Consul, Vice-Consul, propriétaire, ou agent payera seulement les frais encourus pour la conservation de la propriété, ainsi que les droits de sauvetage et de quarantaine à payer en cas de naufrage d'un navire national, et les effets et marchandises sauvés du naufrage ne seront passibles d'aucun droit de douane, à moins qu'ils ne soient livrés à la consommation.

En cas de réclamation légale par rapport à de telles marchandises ou effets naufragés, la dite réclamation serait soumise à la décision des tribunaux compétents du pays.

XV. Dans le cas de mort dans les Etats des 2 Hautes Parties Contractantes d'un de leurs nationaux, les Agents Consulaires respectifs seront avertis par les autorités judiciaires compétentes, du jour et de l'heure où l'on procédera à la mise ou à la levée des scellés et à la rédaction de l'inventaire, afin qu'ils puissent y assister.

XVI. Les Consuls respectifs pourront requérir la remise des effets délaissés par leurs nationaux, et celle-ci devra avoir lieu immédiatement, pour autant que les ayants-droit à la succession ouverte ne seront pas présents en personne, ou ne seront pas représentés comme tels d'une manière légale.

En cas d'une opposition à la mise en possession de la part des créanciers du défunt, cette mise en possession n'en devra pas moins avoir lieu immédiatement, dès que les oppositions auront été levées.

XVII. Le présent Traité sera en vigueur pendant 10 années, à compter du jour de l'échange des ratifications, et ainsi jusqu'à l'expiration de 12 mois après qu'une des Hautes Parties Contractantes aura annoncé à l'autre son intention d'en faire cesser l'effet; chacune des Hautes Parties Contractantes se réservant le droit de faire cette déclaration à la fin du susnommé terme de 10 ans, ou à toute époque subséquente.

XVIII. Le présent Traité sera ratifié et les ratifications en seront échangées à Naples dans l'espace de 3 mois, à compter du jour de la signature, ou même avant, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé leurs cachets.

Fait à Naples, en double expédition, le 17 Novembre, de l'an 1847.

(L.S.) JUSTIN FORTUNATO.

(L.S.) PRINCE DE COMITINI.

(L.S.) ANTOINE SPINELLI.

(L.S.) COMTE DE LIEDEKERKE BEAUFORT.

DECLARATION.

Naples, le 29 Février, 1848.

LES Soussignés, Comte de Liedekerke Beaufort, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Pays-Bas auprès les Cours de Rome et de Turin, et le Duc de Serracapriola Ministre Secrétaire d'Etat des Affaires Etrangères et Président du Conseil des Ministres de Sa Majesté le Roi du Royaume des 2 Siciles, en procédant cejourd'hui à l'échange des ratifications du Traité de Commerce et de Navigation conclu entre leurs Majestés et signé à Naples, le 17 Novembre, par les Plénipotentiaires respectifs, ont déclaré, en vertu de l'autorisation de leurs souverains, et au nom des 2 Hautes Parties Contractantes, qu'il est bien expressément entendu, que dans le dernier alinéa de l'Article X, paragraphe 4, ainsi

conçu, " que la réciprocité établie par le présent Traité ne s'étend pas aux primes que les 2 Hautes Parties Contractantes peuvent accorder à leurs propres sujets dans le but d'encourager la construction des navires nationaux," il ne s'agit point, quant à cette dernière disposition, de primes ou diminutions quelconques accordés ou à accorder sur les droits de navigation, ou d'entrée et de sortie, mentionnés dans les Articles V et VII du Traité en question; l'intention formelle des Parties Contractantes étant qu'une parfaite égalité et réciprocité existera relativement à ces droits, dans tous les cas spécifiés dans les susdit Articles V et VII.

La présente déclaration aura force et valeur comme si elle était insérée mot à mot dans le Traité.

En foi de quoi ils l'ont signée et munie de leurs cachets respectifs.

Naples, le 29 Février, 1848.

(L.S.) DUC DE SERRACAPRIOLA.

(L.S.) COMTE DE LIEDEKERKE BEAUFORT.

CORRESPONDENCE of Great Britain, relative to the Slave Trade, 1848, 1849; viz.:

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the *Atrevida*, under the Spanish flag, has been adjudicated in the Mixed Courts of Sierra Leone. The mate and 3 of the crew (being all who were brought here) of this vessel, were, in accordance with the above-mentioned decree, sent prisoners to the Regente of the Courts of Justice of the Canary Islands; but I have not yet heard the result of their trial.

It is a fact also, that many of the Brazilian slavers, when captured, are found without either ship's papers or flag, thereby preventing the disclosure of the names of the owners of the ship and cargo, also the master, supercargo, and officers; and as the system of trying slave-vessels in the Vice-Admiralty Court does not expose the names of parties to the public, they of course prefer that to the Mixed Courts, where all the parties concerned are annually exposed in the papers laid before Parliament.

During the past year no case was brought before the British and Spanish, British and Netherlands, British and Chilean, British and Bolivian, British and Argentine, British and Uruguayan, Mixed Courts of Justice.

No slaves were emancipated by the Mixed Courts during the year.

The total number of cases prosecuted before the Mixed Commissions since their establishment here in June, 1819, up to the present date, is 529, whereof 502 were cases of condemnation, and 27 were either withdrawn, dismissed, or restored to the claimants.

In the same period, there have been emancipated by these Mixed Courts, 64,625 slaves; of whom 56,935 have been registered here.

I have the honour to inclose for your Lordship's information, an official copy, obtained from his Honour the Chief Justice, of a return of vessels captured on suspicion of being engaged in the Slave Trade, and adjudicated in the Vice-Admiralty Court at Sierra Leone, from the 30th June to the 31st December, 1848, amounting to 17 vessels, which, with the 14 adjudicated in the same court during the previous half year, gives a total of 31 vessels adjudicated in the Vice-Admiralty Court of Sierra Leone, in the year just ended; under the Acts of the 5 George IV, cap. 113; 2 and 3 Victoria, cap. 73; and the Act of the 8 and 9 Victoria, cap. 122.

Of the 31 vessels, 14 were captured under the Brazilian flag, 15 were without either ship's papers or colours; 1 under the British flag, and 1 under the flag of The United States.

The aforesaid captures took place in the following localities: 1 in the Rio Pongas, 2 in the harbour of Sierra Leone, 1 off this colony, 11 between Seabar and Cape Palmas, 14 within 6 degrees south of the line, and 1 captured full of slaves, probably on her passage to Cuba, in latitude 12° 22' south, longitude 37° 14' west.

Among the 31 captures, 13 had slaves on board, the other 18 cases were proceeded against for being found equipped for the Slave Trade.

The locality in which the 13 vessels, having slaves on board, were captured, is as follows: 3 canoes seized with 112 slaves on board within British waters off this colony; 9 vessels within 6 degrees north of the equator; 2 within 4 degrees south of the equator; and 1 was captured full of slaves in latitude $12^{\circ} 22'$ south, and longitude $37^{\circ} 14'$ west.

The number of slaves so captured was 5,619, of whom 5,282 were decreed emancipated; 337 having died before such decree was passed. This dreadful mortality may be accounted for by the inhuman master of the slaver captured by Commander Sprigg of Her Majesty's sloop *Ferret*, having stowed on board his vessel, admeasurement only 167 tons, 852 men, women, and children; 127 of whom died before they were emancipated; and, but for the humane conduct of Commander Sprigg, who transhipped about 300 slaves on board the *Ferret*, the mortality must have proved even still more appalling.

In the course of the year just ended, two cases of a rather unusual occurrence have been adjudicated in the Vice-Admiralty Court of this place. The first was that of the British steamer *Maid of Islay*, William Cunningham Townley, master, which vessel was seized on the 25th of May, in this harbour, by Commander Dunlop, of Her Majesty's sloop *Alert*, for being engaged in the Slave Trade, or otherwise aiding and abetting that traffic.

The *Maid of Islay* was adjudicated on the 19th day of July last, when Mr. Heddle, the acting Judge, decreed that the aforesaid vessel, *Maid of Islay*, her tackle, apparel, and furniture, be restored to William Cunningham Townley, the master and owner thereof; and the goods, wares, and merchandize on board the same be restored to Messrs. Hartung and Co., the owners and proprietors of the said cargo; and further decreed the seizer's costs, and condemned the said parties in such costs accordingly.

Against this decree an appeal to a higher court at home has been made by the seizer.

In my despatch of the 18th of December last, I had the honour of transmitting to your Lordship all the particulars I could obtain in reference to this very extraordinary case, I therefore beg respectfully to refer you to the said despatch.

On or about the 27th of September, the American brig *Lawrence*, Edward York, master, burthen 170 tons, was seized in the harbour of Sierra Leone by Commander Dunlop, of Her Majesty's sloop *Alert*, for being found with slave equipment on board in British waters.

The brig *Lawrence* came into this harbour on the 23rd of September last; her master alleging that she was making 34 inches of water per hour, and that he came into this port for the purpose of getting his vessel repaired.

On November the 25th the aforesaid American brig *Lawrence*,

Edward York, master, was condemned as a good prize in the Vice-Admiralty Court of Sierra Leone. Previous to the day of trial, the master took his departure for Brazil, and I believe carried away the register of the *Lawrence*.

I have further the honour to report, for your Lordship's information, that Her Majesty's sloop *Alert*, Commander Dunlop, arrived in our harbour this morning with 100 slaves on board, who were immediately landed in "the Queen's Yard."

I beg respectfully to solicit your Lordship's attention to this novel and interesting era in the history of the abolition of Slave Trade, because it clearly proves that a highly important change has taken place in the very locality (Bissao) where an extensive Slave Trade has flourished for more than a hundred years; but where now many thousands of natives are daily employed in cultivating ground-nuts for shipping. And the Slave Trade is strictly prohibited by the powerful young King Branco of Beeomba. The notorious Cayetano, the Portuguese Governor of Bissao, has also abolished the Slave Trade, and is employing vast numbers of slaves in cultivating ground-nuts upon the British Island of Bulama.

It appears that Commander Dunlop sent his boats into Bissao to search the different creeks that run into the river Jeba, for slavers, and that, on hearing of their arrival, His Majesty King Branco, though sick, officially applied to the commander for help, and requested him to remove to Sierra Leone all the slaves in the barracoons belonging to the 2 Spaniards, Don Bito (*alias* Victor) Dalreda, and Don José Vanrell.* At the same time assuring Commander Dunlop that he, the King of Beeomba, had finally abolished the Slave Trade in his dominions. Thereupon, the slaves in the barracoons were asked if they preferred to be then and there made free and remain, when they all declared that they wished to be taken to Sierra Leone. This was acceded to by the authorities, and the slaves were embarked on board the *Alert*, and, as before stated, landed in this colony. The 2 Spaniards fled by land to their companions in human traffic on the Rio Pongas, where the notorious Spanish dealers in slaves, Senior Pellegrin and Don Paul Fabre, reside, also the native slave-dealers, Mrs, Lightburn and Mr. Allen.

The Rio Pongas may now be considered to be the sole mart for the Slave Trade to the northward of Sierra Leone.

I have only heard of 2 slavers having escaped with slaves on board from the Rio Pongas during the year 1848, and I believe they were both owned by Spaniards.

I have the pleasure to report to your Lordship that, by order of the French Government, all the slaves in Senegal and Goree have

* José Vanrell was formerly master of the Spanish schooner *Atrevida*, condemned in the Mixed Courts of Sierra Leone, on the 8th of December, 1847.

been emancipated. This highly interesting event cannot fail to produce important effects upon the natives of the neighbouring kingdoms, and to convince them that Great Britain and France are determined, not only to suppress the Slave Trade, but also slavery itself in every part of their dominions.

Already agriculture, upon a most extensive scale, is in progress among the natives living between this place and Gambia. Rice and ground-nuts are the chief articles cultivated. The ground-nut trade has for several years past formed a highly important and valuable branch of export trade. The demand for ground-nuts from France, Hamburgh, and America far exceeds the supply. I earnestly hope that the spirit of agriculture and commerce, now happily manifesting itself among the natives, is the sure dawn of brighter days for benighted Africa.

With the only exception of the Rio Pongas, I consider that we have now no export Slave Trade between Cape Blanco and Sierra Leone, a distance of coast of upwards of 600 miles.

Before concluding my report, I beg respectfully to make a few remarks on the suggestions promulgated by certain parties in reference to the withdrawal of the British squadron on this coast for the suppression of the Slave Trade.

For more than 30 years I have taken a lively interest in the cause of abolition, and my present position in Her Majesty's service, together with a residence of many years in Africa, enable me to state for your Lordship's information an opinion gained by actual experience and observation upon the present progress of the cause of the abolition of the Slave Trade, which I humbly trust may induce some of those who entertain the mistaken views of advocating the withdrawal of the squadron, to pause ere they sanction a measure so utterly ruinous to millions of the human family.

It is my firm belief that in 9 or 12 months after the withdrawal of our squadron, the whole of Western Africa, from Cape Verd to Benguela, would present a scene of cruelty and devastation too fearful to contemplate. All the progress of Christianity, civilization, and commerce would be annihilated: in a word, Western Africa would, in the course of a year or two, be rolled back to its worst pristine savage condition. The coast would become the resort of the most degraded renegades and pirates of Brazil and other nations.

If our merchants entertain a hope that the trade of palm oil, gold, ivory, ground-nuts, hides, wax, &c. will continue to exist, after the withdrawal of our squadron, I fear that they will be wofully disappointed. The thousands of palm-oil carriers, and agricultural labourers, would instantly be kidnapped and carried on board slave-vessels. After a time the remaining natives would avoid the coast as they would the locality of a plague.

In my humble opinion, this dreaded calamity can only be evaded by a strong Treaty with Brazil, similar to or more stringent than that with Spain. Your Lordship has doubtless noticed the excellent effect of the penal law of Spain, dated the 2nd of March, 1845, upon the Spanish Slave Traders; since its promulgation, upwards of 2 years ago, we have only had one vessel under Spanish colours brought before the Mixed Courts of Sierra Leone.

I would also venture to remark, that hardly any squadron, however vigilant, and none could be more so than the present, would alone effect the total abolition of the Slave Trade on this coast, unless it be supported by a zealous, honest co-operation of the Brazilian and Spanish Governments.

In my opinion, the concluding part of this great undertaking can only be brought to a successful termination by applying gentler means, and strict enforcement of Treaties before the squadron is withdrawn from this coast.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HOOK.

HAVANA.

*No. 15.—Her Majesty's Commissary Judge to Viscount Palmerston.
(Received April 24.)*

MY LORD,

Havana, March 27, 1848.

I HAVE the honour to inclose copies of a correspondence I have had with Mr. Consul-General Crawford, on the denunciation I had it my duty to make of several vessels fitting out in this harbour to be engaged in Slave Trade.

On the 22nd instant, having assured myself of the truth of the reports I had previously heard, I addressed my letter of that date to Mr. Crawford, stating there were 3 if not more vessels so fitting out; 1 at a wharf known as Padron's, which had taken in her supply of water more than a week before. Another was the old correo or mail-packet, which had been so much damaged in the hurricane as to have been since laid up as unseaworthy, but was now repairing for the coast of Africa. Of the third I had no particulars; but I knew there was a third fitting out, and also one at Trinidad de Cuba. I had also heard that some parties had sailed hence the same morning in the *Adelaide* for New York, to purchase vessels for this trade.

Mr. Crawford acknowledged the receipt of this letter on the same day; and, though he did not send me a copy of his communication, I have no doubt he repeated the information explicitly as given.

On the 25th, he sent me his note of that date, with an answer.

now expected with a still larger number. Their introduction, therefore, has the direct sanction of the Government, who have published no formal account of the terms on which they are introduced, as was done in the case of the Chinese colonists, and as I should have wished to see done with regard to these Indians, to guard against the possibility of their being at any time held as slaves.

In their own country, though the constitution recognized these Indians as free, we know they were reduced to a state little different from slavery. Norman, the last traveller I know of, states, p. 71, that "though they wear the outside show of freedom, they have not even as much liberty as the most abject vassal of the middle ages. They are literally degraded to the position of serfs." And Stephens, who published his work in the same year, 1843, though he does not speak so strongly of their condition, gives an account of the "whipping an Indian" he witnessed, which proves the assertion of the other. He says, "We saw the poor fellow on his knees, with his arms clasped round the legs of another Indian, so as to present his fair back to the lash. At every blow he rose on one knee, and sent forth a piercing cry. He seemed struggling to restrain it, but it burst from him in spite of all his efforts. His whole bearing showed the subdued character of the present Indians, and with the last stripe the expression of his face seemed that of thankfulness for not getting more. Without uttering a word, he crept to the major-domo, took his hand, kissed it, and walked away. So humbled is this once fierce people, that they have a proverb of their own, 'The Indians cannot hear except through their backs.'"—*Travels in Yucatan*, vol. i, p. 146.

From such details, we may well believe there is much truth in the assertions of those who say that the present insurrection of the Indians in Yucatan is only to be ascribed to the tyrannical conduct they have had to endure, and which has at last goaded even them to resistance, when it came to an issue of the worst character, whichever party remained uppermost.

Such are the parties who are now bringing their Indians to this island, and who are proposing to the Government to bring as many more as may be required to supply the demand for labour now arisen on the prevention of Slave Trade. If these Indians were really brought as colonists, with their own free will, which is not apparent, and to hire out their labour as they please, I humbly submit that it is not unnecessary for Her Majesty's Government to receive an assurance that they should be placed in a position permanently of that character, and that a new species of slavery be not introduced, the Treaty of 1835 having again declared the Slave Trade on the part of Spain abolished "in all parts of the world."

I, therefore, in my letter of the 3rd instant, proposed to

Mr. Crawford that he should ask of this Government an official statement of the terms on which these Indians were brought, which proposition, in his letter of the 4th, he declined to act upon, and repeated his refusal in that of the 6th.

Her Majesty's Commissioners having been ordered by the Earl of Aberdeen to restrict their correspondence with this Government to the cases of vessels actually detained under the Treaty, I have no other course than to submit to your Lordship the propriety of coming to such an understanding on the subject with the Government at Madrid, as that these individuals may not be openly at any time held here and dealt with as slaves, though it may be impossible to prevent their being so in fact.

Not anticipating his refusal on this point, I requested Mr. Crawford, in the same letter, to ask what were the Captain-General's intentions respecting the emancipados still held in bondage, respecting whom I had private information, from a person in the Government House, that an order had gone from his Excellency to the office where this business was transacted, that no more were to be sent away from the island.

All I wished was the simple inquiry as to his Excellency's intentions, the which to report officially to Her Majesty's Government, respecting this unhappy class of persons who are more especially entitled to protection and consideration, as captured by British cruisers.

The great object is unquestionably to obtain the speediest liberation of all these persons still held in bondage; and I submit that, to guard against all fraud and evasion, power should be given to the Mixed Court to examine the books, and see, by proper examination of all persons and papers, that the returns are free from fraud. The largest holder of these emancipados was lately, I understand, if he be not now, the Marques de Esteva, Spanish Judge of the Mixed Court. Still I should not doubt of obtaining a full investigation into the condition of these persons, provided the Court had the power to inquire given by the Treaty of 1835 extended to those captured under the Treaty of 1817.

For further particulars I beg to refer to the inclosures, of which the one marked A comprises the letters referring more particularly to the Yucatan Indians; and the one marked B, those respecting the emancipados. The one marked C is the letter I wrote to the Captain-General, in reply to his demanding my informant of his intentions as to not assigning us more emancipados to be removed to Jamaica, to which he has not returned any reply.

Viscount Palmerston, G.C.B.

J. KENNEDY.

No. 21.—*Her Majesty's Commissary Judge to Viscount Palmerston.*
(Received June 21.)

MY LORD,

Havana, May 26, 1848.

I HAVE the honour to inclose a copy of a letter I have received from Her Majesty's Consul-General, Mr. Crawford, together with one to him from the Captain-General of the island, respecting a denunciation he had made of the sailing hence, to be engaged in Slave Trade, of the brigantine *Elvira*, formerly the old correo or packet-ship, damaged in the hurricane, one of the 3 vessels I had denounced originally in my letter of the 22nd March last. The sailing of this vessel to one of the out-ports I also reported to your Lordship in my despatch dated the 25th April last. By the Captain-General's letter inclosed, it appears that on his sending the sloop of war *Churruca* to a place called Mulata, she was found taking in a cargo of fire-wood, with which she has since returned loaded to this port. It seems ridiculous to think of a large vessel like this being sent merely for fire-wood, and I suspected therefore either that this trip was only an experimental one to ascertain her condition, or that the parties had received notice of the pursuit and examination intended, so as to adopt this pretext to escape detention for the present. However it may be, the readiness of the Captain-General to reply in the present instance contrasts strongly with his neglecting to give any to the original denunciation, of the 3 vessels fitting out, respecting which he promised due investigation, though he has not thought proper yet to make any communication as to the result.

I have, &c.

Viscount Palmerston, G.C.B.

J. KENNEDY.

No. 45.—*Her Majesty's Commissary Judge to Viscount Palmerston.*
(Received November 23.)

MY LORD,

Havana, October 18, 1848.

HAVING felt it my duty on several occasions to express a fear that the late introduction of Indians into this island from Yucatan, where they were in fact held in a state of bondage amounting to slavery, would prove of the same character or worse even here, I regret to have to report now, that those fears already appear to me beginning to be realized. In addition to the letting out of bodies of them in the country, the particulars of which are as yet only known to the parties, there has been for some days past an advertisement in the daily papers, the which if frequently repeated will leave no doubt on the subject. It is placed among the advertisements of slaves to be hired out, and is as follows:—"To be hired, a Yucatan (woman) for wet nurse of one month after delivery, of very good and abundant milk, for price as may be arranged. Street Inquisidor, No. 57."

On sending to inquire into the circumstances, whether the woman was free or not, and to whom the payment in case of hiring should be made, I received for answer that the woman was the slave of the person who had brought her from Yucatan, to whom the payments were to be made.

I have, &c.

Viscount Palmerston, G.C.B.

J. KENNEDY.

*No. 50.—Viscount Palmerston to Her Majesty's Commissary Judge.**

SIR, (Circular.) *Foreign Office, December 21, 1848.*

I HAVE to desire that you will in future adopt for your half-yearly return of cases adjudicated by the Mixed Courts of Justice of which you are a member, the form which has been drawn up for the similar returns from British Courts of Vice-Admiralty, and which you will find in print at page 386 of Class A. of the Papers on Slave Trade, presented to Parliament in the year 1847, omitting only the 17th column.

When no case has been adjudicated during the past half-year, you will confine yourself simply to stating that fact.

I am, &c.

J. Kennedy, Esq.

PALMERSTON.

No. 55.—Her Majesty's Commissary Judge to Viscount Palmerston.

(Received January 26, 1849.)

MY LORD, *Havana, December 20, 1848.*

HAVING had the honour to receive from your Lordship a copy of the evidence given before the Select Committee of the House of Commons appointed during the last session to consider the best means for the final extinction of Slave Trade, I venture to submit a few observations on parts of the evidence, which I trust your Lordship will not consider superfluous. Whatever may be the value of the opinions I have from time to time submitted to Her Majesty's Government, I trust I have always in the report of facts, not only acted with good faith, but also with good judgment, to take care they were not without reasonable foundation. Sometimes those facts have been controverted, but I believe I can truly say that in no case have I ever seen reason to alter my opinion, and many times on the contrary have found extraordinary corroborations from other quarters, even from the papers published by order of the Houses of Parliament. A proof I beg to cite in the evidence here given. In my letter to your Lordship of the 28th September, 1839, I stated "that the great slave-dealers, Blanco and Cavallo, here boasted of having agents at Sierra Leone to watch for and inveigle the strange negroes brought there in

* A similar despatch was addressed on the same date to Her Majesty's Commissioners at the Cape of Good Hope, Jamaica, Loanda, and the Cape Verds.

slave-vessels, and liberated by the Mixed Court, many of whom were said to be thus a second time sent off to slavery." In your Lordship's despatch dated the 17th April, 1841, Her Majesty's Commissioners received inclosed a correspondence with the Colonial Office on the subject, and a letter from the then Governor of Sierra Leone, Colonel Doherty, denying the allegation so peremptorily as to leave me under the imputation of having made it without any foundation. Now, however, in the evidence of Captain the Honourable J. Denman, the fact is distinctly proved. See 1st Report, p. 29; *ib.* p. 37, question 316; and p. 51, questions 501 and 502.

As Captain Denman has corroborated a supposition of mine which I had further stated in my letter of the 28th September, 1839, respecting the existence of Slave Trade not only in the neighbourhood but in the very territory of Sierra Leone, I feel able to corroborate an opinion of his (question 331), that the mortality and suffering incident to the middle passage as estimated in Sir Fowell Buxton's work, is greatly overstated. Sir F. Buxton appears to me in all his statements to have taken extreme cases for the average, and thus has come to conclusions which persons of very contrary feelings to his have warped to their own purposes. As an instance I beg to refer to his work, p. 30, in which he quotes a sentence from a despatch of one of the Commissioners here, of the 31st May, 1836: "I wish I could add that this list contains even one-fourth of the number of those which have entered after landing cargoes, or sailed after having refitted in this harbour." "This would give," says Sir F. Buxton, "an amount of 60,000 for the Havana alone;" and thereupon he feels authorized to take that number of slaves introduced for all the island *per annum*. But the writer referred his assertion only to one particular month, and I believe he would have qualified it much if he had thought it would have been taken for so large a computation. At that time the slave-ships were allowed to land their cargoes in the immediate vicinity, and even in the very harbour of Havana; so that as it was most convenient for the slave-dealers, the cargoes of course were almost all brought here. There were few taken to the other ports, at the utmost never I should say more than one-third; so that upon Sir F. Buxton's assumption of the number given in the Commissioners, Report of 15,000 in one year known, instead of quadrupling it I consider the addition of one-third would have been nearer the truth. I believe the number introduced has never exceeded 25,000 in one year into the whole island. This computation I make first upon the informations of such persons as the Conde de Fernandina, and others of his character, who knew the circumstances of the trade, and who had no interest to misstate it. 2nd, from the number of vessels known to be engaged in it, of which about 50 arrived *per annum* with cargoes for this port. Allowing 300 for an average cargo, the number would

be 15,000, exactly what the Commissioners had stated. 3rd, for the demand. The slaves were bought only as other merchandize, for the profit that could be obtained from their labour. Supposing the 15,000 were sold at an average of only 50*l.* each, the total would be 750,000*l.* sterling. But the whole exports of the island in the last year, when that of sugar was double what it was in 1837, did not exceed 5,500,000*l.* sterling, and the imports of lawful merchandize amounted to 6,500,000*l.* sterling. Supposing the values of each equal, it is out of the question to suppose they could be paying 3,000,000*l.* sterling further for slaves, as they must have done if introducing 60,000 per annum. On these grounds I come to the conclusion that the number is more than doubly overstated in Sir F. Buxton's work, as introduced into Cuba per annum; and I suspect on the like grounds, that the number said to be introduced into the Brazils per annum, on which is founded the supposition of the trade being so flourishing, is also much overstated.

I make my estimate on the number of ships which appear to be employed in it, and on the amount of the exports and imports of that country, from which it seems to me clear that even if, as seems to be the fact, there were ever 60,000 introduced in one year, the cost to the purchasers being at the rate above taken, altogether 3,000,000*l.* sterling, it is the very utmost the country could afford to take, and therefore very soon the market would be glutted and the price would fall, if the supply continued at that rate, without supposing an increased supply.

My principal object in submitting these observations to your Lordship is to express my humble hope that the propositions of that party which is so desirous of removing the cruizers from the coast and of allowing the free renewal of Slave Trade, may not be admitted by the Legislature. In this island it is manifest that the efforts of Her Majesty's Government for the suppression of the trade have been attended with full success. The decided blow to it was given by General Valdes, in his refusal to follow the example of his predecessors to receive the head-money on the introduction of slaves, and so connive at the breach of the laws. On this point I wish to correct a mistake in the evidence of Lord John Hay (question 3745), who said "It is fair to say that the foundation of the principle upon which he acted was laid by Chacon, the Captain-General who preceded him, General Tacon, who is no doubt referred to, was not the immediate predecessor of General Valdes. There were 2 other Governors between General Espeleta and the Prince of Anglona. All these took the bribes, Tacon as well, but least from a corrupt motive. He was from principle an advocate of the Slave Trade, and he openly declared his opinion, having seen Spain lose her colonies on the conti-

ment, that to prevent a similar loss of this island a large slave population should be permitted and encouraged. The whole credit therefore of the suppression is due to General Valdes ; for, notwithstanding every desire on the part of his successor, General O'Donnell, to renew it, the dealers never seem to have recovered from the prostration into which his measures threw them ; and this seems to me an argument to show that if the trade on the coast be for a few years suppressed, it would be very difficult to revive it without the direct encouragement of the principal Governments of the world.

There is a great mistake entertained, I suspect, respecting the profits of the slave-dealers. It is true that slaves may be bought on the coast at from 5 to 25 dollars each, but the other expenses of the trade are very enormous. A ship cannot be sent at a mere venture to the coast. The parties must have agents on the spot, and the means of communicating with those agents must be very costly. The agents as employed in such confidential matters must be well paid, and from death or dishonesty the principals are often losers by them ; then there is the fitting out of the vessel ; so that it is reasonable to suppose the estimate is correct I have heard here made, of each slave put on board costing 100 dollars. Of course, if the cargo be landed the profit is still immense, but if only half be brought, and that half subjected to the cupidity of a Governor like General O'Donnell, or to the prosecution of one like General Valdes, and the usual risks of bad debts, as must always be the case in such a trade, the profits become much less enormous than are generally stated. If the dealers could have hoped for impunity in the resumption of the Slave Trade, I have no doubt they would soon do so here ; but it would be at a great cost to set on foot again their agencies on the coast. This consideration shows what little weight should be given to the argument, that if the trade be driven from one place, it will spring up at another. Those who use this argument forget that to avail themselves of such means the dealers must have information of those new entrepôts of slaves to send their vessels there ; and the communications require a combination of purpose which cannot be organized without much cost and delay. Therefore the new entrepôts might be made known to the cruisers, and be nullified perhaps as soon as they could be known to the parties who had to send vessels there.

Another reason why I think the number of slaves introduced into the Brazils has been overstated, is that the production of sugar there does not seem to be so much increasing during the last 10 years, judging by the exports, though the production of coffee certainly does in a remarkable degree. In this island it is exactly the reverse ; the production of coffee is only about a tenth of what it was 10 years since, and that of sugar has doubled. From this I judge that the

circumstances of the country make Brazil better suited for the production of coffee than of sugar, and consequently that there cannot be such a very great demand there for slave-labour.

I feel myself, however, only competent to speak positively of this island, where there seems to be decidedly a cessation of the trade. If it were to be allowed there is no doubt there would be again 25,000 per annum introduced. If the cruizers were withdrawn, the costly combinations of agencies would be unnecessary, and the slave instead of costing 100 dollars might not cost 50; and he might be sold here for 100 dollars, instead of for from 300 to 500. The planters would of course be glad to obtain double the amount of labour for half the money, and then as the life of the slave would be only worth a quarter of what it was before, the former horrid cruelties would be renewed perhaps double-fold. It is quite a mistake to suppose the people here are afraid of an insurrection among the slaves. They are only afraid of it as much as it would affect their temporary convenience. Where the white population to the coloured is about as 5 to 6, according to the census, and the coloured population are so divided and without any resources whatever for making resistance, the whites have not the least fear of any revolt succeeding. At present the treatment of the slaves is notoriously much ameliorated by the increase in their value. Still it is exceedingly vile in many cases, and the lower the value of the slave may be reduced, the more horrible will be the cruelty exercised.

Another over-statement seems to me to be made respecting the miseries of the passage. There are no doubt cases of shocking mortality and misery, as also we hear of such in emigrant vessels to America, for instance the *Virginus* from Liverpool, where 158 out of 467 passengers died on the voyage; and the *Naomi*, which sustained a loss of 110 out of 334 embarked at the same port. I do not believe that such mortality has occurred on board any slave-ship to this port during the last 12 years that I have known it, from the western coast of Africa; and of 6 cargoes I have seen, a very large majority appeared of each to have suffered no inconvenience whatever from the voyage. In the *Columbia*, which arrived here in July last, though only a miserable boat of 29 tons, we have evidence that only 5 were lost out of 155 embarked; and in the case of the *Jesus Maria*, a vessel of about 35 tons British measurement, condemned here, there were only 26 lost out of 278 put on board, and of these several had jumped overboard. Yet these were the cases in which we might have expected the greatest loss of life, as having been the most crowded, though they might be accidentally favourable in the other extreme. It is the interest of the parties to bring them over as well as possible, and there is no doubt that this has its effect. It is much more probable that overflowing cargoes and concomitant misery

would be found if a free trade in slaves were permitted, when the vessels would be filled without any possible restraint, and where the life and comfort of the slave would be of less consequence than now, when a full cargo can seldom be obtained.

If, however, the sufferings of the slave are so much thought of for a few weeks at sea, I would submit that those should not be forgotten which he is to suffer all his life after he is landed here or in the Brazils. I would submit that the efforts of Her Majesty's Government to suppress the trade cannot be said to be unsuccessful, even if it be true that as many slaves are now exported to Brazil as formerly when the trade was free. The circumstances of the times require a greater number; and the question is, how many would be exported now if the trade were free? No doubt to the Brazils twice as many at least, because if a planter will now give 45*l.* for 1 slave, he would rather give that sum for 2, to have double the labour; and as to this island, the importation would certainly not be less than 25,000 per annum for many years, entailing sufferings and misery upon them, horrible to think of, besides the devastation of Africa.

On this point I have to observe that I have for many years been in the habit of asking the different Africans with whom I have conversed, the circumstances under which they were brought; and they, with scarcely any exception, state, that they were kidnapped or taken in what they call their wars. They also seem to have been almost all brought from the interior of late, representing they were 1, 2, or 3 months in coming to the coast. The conclusion in my mind is, that the demand for any great number of slaves can only be supplied from the interior by carrying devastation further and further through the continent; and that if once effectually put down, the trade could be kept down very easily and at small cost, because it would be so difficult for the dealers to arrange their combinations and correspondences and intercourse with the interior.

I have endeavoured to express my ideas in the fewest words possible, and perhaps they may be altogether unnecessary. But as an eye-witness of the horrid state of the slave in this island, and of the good effects produced here by the efforts of Her Majesty's Government, I feel myself bound to add my humble prayer that those efforts be not relaxed, and that the cruelties I refer to may not be renewed.

I have, &c.

Viscount Palmerston, G.C.B.

J. KENNEDY.

No. 58.—*Viscount Palmerston to Her Majesty's Commissary Judge.*
SIR, *Foreign Office, January 31, 1849.*

I HAVE to desire that you will endeavour to ascertain, and that you will report to me, how many slaves are supposed to have been landed in Cuba during the year 1848. I am, &c.

J. Kennedy, Esq.

PALMERSTON.

No. 60.—*Her Majesty's Commissary Judge to Viscount Palmerston.*

(Received March 7.)

MY LORD,

Havana, January 1, 1849.

I HAVE the honour to submit my annual report on the Slave Trade of this place during the past year, with the usual returns of vessels that I have heard of as having arrived here from the coast of Africa during the year, and of those that sailed hence in it, and in the year preceding, suspected of being intended for Slave Trade.

These returns are certainly very vague and incomplete ; but, as I believe, the main fact is correctly stated, of so many vessels, for instance, having sailed hence during the year for the coast of Africa, the circumstance of our not being able to obtain fuller particulars of the expeditions, affords a proof of the depressed state of the trade, because the more contraband it becomes, the more secret must be the operations carried on. So long as any Captain-General condescended to receive fees for the introduction of newly imported Africans, the dealers cared little for the publicity attending their transactions. But as we have every reason to believe that the present Captain-General, Roncali Conde de Alcoy, refuses to accept these fees, the dealers have not the same security for carrying on their trade with impunity, and are therefore obliged to be so much the more reserved.

It is but justice to repeat this of the Conde de Alcoy as the general belief ; accordingly, the general system of the Government is carried on in a manner above all imputation of former practices ; but he is evidently indisposed to proceed against the trade or its abettors with that severity which would be the best means of effectually suppressing it. I refer here to the case of the 2 vessels which, upon my information, arrived in the neighbourhood in July last, when 130 newly introduced Africans were seized by the Lieutenant-Governor of Mariel. I believe my information of 2 vessels having arrived is correct ; yet the Captain-General declared in no measured terms, that only one vessel had arrived ; leaving the conclusion to be drawn, that he had allowed himself to receive as true, some statement made to him to that effect, though a proper inquiry must, I think, have led to a different result.

But supposing only one had arrived, it was proved that it had met with a collusive reception from the local authorities at Cabanas, as was pointed out to his Excellency at the time ; and no steps have been taken against those authorities, nor against the parties concerned in the adventure. The mate, who offered himself as an informer against the parties, was put into prison ; but the captain, who could have given evidence of the owners, was allowed to go away in the steamer to New York, with the person Zulueta, on whose account the

negroes were said to have been brought, and a considerable number of the negroes were given up to this Zulueta, under the pretence of being assigned to him as emancipados.

It appears to me, therefore, that if the trade be, as I consider it, in a depressed state, the cause of this depression must be sought elsewhere, than in the measures of the Government.

At the commencement of the past year, it was indubitable that there was a great animation on the part of all persons interested in the trade, for its revival. A new Governor was expected, and it was hoped that he would favour it more than General O'Donnell lately had done. The latter was to the last a declared favourer of it; but his later measures had disconcerted its operations by proceedings against it, which, if they were owing to stricter orders from Spain, also answered his purpose, for, by seizing the negroes or exacting a larger fee, he gained so much the more, while as he was at the close of his government, the consequences of future distrust could not affect him. It was hoped a new Governor would act on another policy; and vessels were prepared accordingly, to be sent as might be found advisable. 7 were sent during the first 4 months of the year, and 4 have sailed hence since; whereas in 1847 there were only 3 sent altogether, and in 1846 not one. After two such years, if any encouragement had been afforded the dealers, we might have expected a larger number to have been sent; and as so few have been sent, and as the new Captain-General does not appear to be a decided enemy to its continuance, the conclusion seems to me to follow, that even as a contraband trade, it is not one offering advantages sufficient to induce an active prosecution of it.

Having paid much attention to the subject, I am induced to think that considerable over-statements have been made with respect to this trade; 1st, as to the numbers of Africans exported from Africa; and 2nd, as to the profits of the dealers.

1st. It is almost impossible to obtain exact returns of the numbers exported; and many persons who have written respecting it, have taken the numbers known in some 1 month as an average for the year, when perhaps the numbers in that 1 month were so extraordinarily large, as to have made them noted it on that account only. In Havana, however, this difficulty did not exist, as the dealers were so sufficiently knotted together, that they had a particular place formerly of assembly, and books kept there, from which I was, in 1840, able to obtain the exact numbers that had been brought in that year, the one before General Valdes arrived, and when the trade was quite free so far as this Government could permit it. From those books I learned, that the exact number brought in that year to Havana and Matanzas, amounted to 11,756; and that perfectly agreed with the

returns we had been able to obtain from other sources, on the arrivals of the vessels, as we reported to your Lordship at the time. As it was most convenient for the dealers to bring them here to the headquarters, whence to supply the demand, and as no difficulty whatever was put in their way in so doing, I feel warranted in saying, that this number may be safely taken as two-thirds certainly of all brought in that year to the whole island.

It may be that the supply was according to the demand, and therefore the next consideration arises as to the demand. If 20,000 were brought every year, and sold at only 50*l.* each, the sum necessary to purchase them would be a drain to the island of 1,000,000 sterling per annum. Such a sum might perhaps be raised in a year for some extraordinary purpose, for investment out of capital hoarded, but it would not be paid year after year, unless there were exports made concomitantly to compensate for such an outlay. But the whole exports of the island did not amount to 5,000,000 sterling, and the imports of lawful merchandize, as given by the Custom-house returns, exceeded that sum; so that, even if we make every allowance, in supposing the value of imports overstated, and of exports the contrary, still it will be impossible to come to any other conclusion than this,—that the number of Africans introduced was decreasing per annum from natural causes, of a sufficient number having been brought to supply the demand. To show how impossible it was for the island to bear such a drain, I inclose further a return of the amount of exports and imports during the last 20 years, which will present so even a balance, as to put it out of the question that so large a number could be introduced year after year, as by some persons has been supposed.

If 20,000 were introduced per annum for a few years, as for investment, it might be done by foreign capital, and the effects would be felt in an increase of production. This has been the fact; but meanwhile the price of the articles of production, sugar and coffee, have both fallen; so that sugar in price now is scarcely half of what it was formerly, and coffee planting has been found so unproductive as to be almost abandoned. I conceive, therefore, that the number of slaves had come to almost the utmost the island required, and that it would have been found continuing to decrease, even if General Valdes had not been appointed Governor, to arrest its progress, somewhat sooner than the course of events indicated. If the same number, say 20,000 per annum, had been continued to be brought, according to this supposition the price would have fallen, and then the question would be, could the dealers afford the slaves at lower prices? I think they could not; and this is the second inquiry I suggested.

2nd. That the profits of the trade were much overstated. All

persons are apt to boast much of their gains, but the slave-dealers more especially, as a triumph over the cruizers, and even the Government of England, as well as to console themselves for the discredit they could not but feel attached to their trade. Thus we hear of a few fortunate individuals who have formerly amassed fortunes in it, but of the many who have lost fortune and life in it we hear little or nothing; yet I am satisfied that there are many such, and that on the whole the trade here has not been latterly a productive one. One proof of this is, that the insurance offices lost so much on the policies of slave vessels, that it is nearly 10 years since they resolved to take none on them on any terms whatever; but calculations may be safely made to show this from their own statements. The price of a slave on the coast may be only from 5 to 25 dollars; but the expenses of agencies and factories are necessarily great, besides those of bringing them. The more difficult is the embarkation, the more and better paid agents must be employed, and well paid to be kept faithful to their employers, when it would be so completely in their power, if they pleased to act dishonestly, to set them altogether at defiance. I have heard it said that each slave costs the dealer 100 dollars, by the amount of these expenses, with those of bringing them. If half are captured, then each slave landed here may be said to have cost 200 dollars, and the average price for the cargo round may not perhaps be obtained more than 400 dollars per head. This would still be an immense profit, if no bad debts were incurred, as very often is the case; but if the dealers were further liable to these, and to have a third or a half of those brought seized by the Government, or 50 dollars per head charged for the fee to the Captain-General, then the remaining profit certainly would not compensate for the risk run of utter loss.

It seems to me, therefore, that the trade is in a most depressed state, because the profits have been so much reduced as to make it unadvisable for any to engage in it, except they were persons like Don Julian Zulueta, forming themselves new plantations, and desirous of obtaining slaves for themselves at the lowest rates, and not as speculators for sale. Even if they lost two-thirds of those they had bought on the coast, they would be thus obtaining the remainder at a less price than importers by trade could afford to sell them at, taking the usual brokerage and chances of repayment into consideration.

At present there is less demand for slaves than there was at this time of the last year. The newspapers have been full of advertisements for them to be sold or hired out in bodies for the season; whereas I have not seen one of any required, as was often the case last year, and even in the time of General Valdes. Neither has the price for slaves or for labour risen since the last year; and this and

the other considerations before-mentioned, bring me to the conclusion that the Slave Trade is in a depressed state, not only on account of the blockade, but also on account of the dealers not being therefore able to afford slaves at such prices as to meet the wants of the planters at the present rates of produce. If the Slave Trade were again set free, and the planters could get them, as they then might, at one-third or one-fourth of the present prices, the numbers might be taken perhaps even 20,000 or 25,000 per annum, for some years, till the number was found sufficient to check further importations. The high price then is, and must be, a check to the trade, and this high price is owing to the blockade of the coast.

In my last annual report, dated the 1st January, 1848, and a former one, I informed your Lordship that, though lately a larger demand for slave labour had arisen, on account of the higher price of sugar, yet this demand had been met by a supply of negroes from abandoned coffee plantations, to the number then estimated of about 30,000. Since then I learn there has been a return made to this Government of the number so transferred to sugar estates, estimated at 38,000. This supply I should think sufficient for the necessities of some years to come. The extraordinary demand that arose last year and the one preceding for more labourers, was no doubt on the expectation of continued high prices; but with the present prospects it must abate. The calculations also formed last year of the quantity of sugar to be made under particular circumstances have in many cases proved erroneous, and the gains therefore have been less than what was expected.

In the year now concluded very little rain has fallen in the island, so that the canes have proved of inferior quality, and it is supposed by many that the exports of this year (1849) will fall even 30 per cent. below those of the past. Such being the case, as there are several estates on which they do not grind at all this season, and all from 20 to 30 per cent. less than before, the requirement of labour is so much less, and the quantity that sufficed for the last will be quite sufficient for the present. Thus, then, the fact may be accounted for that there is less demand even now for labour than there was a year since, and perhaps no great demand will arise for years to come for the same reason.

As far as can be judged, the best informed merchants seem to think that the price of sugar will not again materially rise, and that this island has already attained the utmost that under present circumstances it is likely to produce. With the present prices, the planters cannot afford to give large sums for labour, and they must economise with what they have. In this they have also another supply, beyond what the abandoned coffee estates afforded, namely, from the numbers formerly employed in the manufacture of tobacco and cigars. Much

as has been the falling off in respect of remuneration for sugar, the fall in the tobacco trade is as remarkable. Of 20,000 persons estimated to have been employed in this city in the manufacture of cigars, it is said that half are now out of employment, and this circumstance, if it be true, and if it continue, must lower the rate of prices for labour generally, and give, if required, perhaps several thousand labourers for the estates.

The exports from Havana and Matanzas, which, in 1847, amounted to 1,006,767 boxes of sugar, and 106,904 quintals of coffee, in the past year have amounted to 1,000,341 boxes of sugar, and 31,073 quintals of coffee, there being 5 boxes of sugar and $22\frac{1}{2}$ quintals of coffee to the ton. In 1847, there were exported from Havana 19,368 quintals of leaf tobacco, which was less than half the quantity exported in 1846. But in the past year the exports have fallen still further, to 13,508 quintals.

Of cigars, in 1847, were exported hence 198,268 bundles of 1,000 each, which was $\frac{1}{4}$ th more than in former years. But during the last year the exports have fallen to their former average, 150,729 bundles, with the prospect of this depression continuing.

I conclude from these facts that there is not that incentive for an increase of Slave Trade existing in the higher price and call for slave labour, which would cause it to be continued, against the risk of losses felt in late years. If the blockade were abandoned, and slaves procured at a quarter, a third, or even one-half the present prices, it would be renewed, unquestionably, to as frightful an extent as ever.

From my knowledge of this community, I feel myself warranted in saying that no other than coercive measures will suffice to keep the trade suppressed. They think much of gain, but only of present gain, and they have not the slightest scruples of carrying it on. There are a few advocates for the suppression of the trade, and a few even for the suppression of slavery itself. But these are very few indeed, and it may be doubted whether they would hold true to their opinions in case the alternative were offered them. The great body of the people have not the slightest sense of any injustice perpetrated in the trade. It seems to me, therefore, idle to think for a moment of its being ever put down by other means.

In addition to the return of the exports and imports during the last 20 years, I also submit to your Lordship an account of the revenue of the island, as affording means to judge of its capabilities, and to gather the prospects of increase, of production, and inducements to carry on the Slave Trade, if the planters should find it worth their while to extend their cultivation, either by a rise in the price of sugar, or what is the same thing, a lowering of the price of labour, which would follow on the Slave Trade being opened to them again, so that they could produce sugar at a greater profit.

In the despatch of 1847, dated the 9th March of that year, I gave your Lordship an account of a new estate formed by Don Julian Zulueta, which was expected to produce 10,000 boxes of sugar during the year. Of this estate I am enabled now to give the following further particulars. It is named the Alava, situated in the neighbourhood of Cardenas; it is formed of 60 caballerias (2,000 acres) of land, of which 33 caballerias are laid out in cane, 17 unopened, 3 arid, and 7 occupied in buildings and roads. It has 3 mills, each of which gives 50 pails of syrup per day, at a heat, in January, of $8\frac{1}{2}$, and in March and April, of $10\frac{1}{2}$ —11. Each caballeria gives 1,500 loads of cane; and in the last year, 1848, the produce exported was of boxes of sugar 5,000 white, 3,000 yellow, 312 encurucho, 600 muscovado, and 134 small cases, total 9,046, the number of loaves being at the rate of 2,000 to the caballeria. For these there are 28 caballerias of cane ground, and this year, 1849, they have of molasses 1,500 hog-heads.

The body of labourers is represented to consist of 380 utiles or slaves, 35 Asiatics, and 200 creoles of 10 years and under. The last number is evidently false, and to be understood of the later introduction of slaves in July last, the cargo then brought being well known to have principally consisted of children. There are said to be on the average 25 sick in the infirmary. On the estate are 90 carts, and 170 yokes of oxen, and the buildings are on the best scale. The whole lighted with gas, sufficient for 5,000 lights, but in general they use 60. The apparatus, in England, cost 240*l.*, and the bringing and placing it 600*l.* It has 20 feet of diameter, 12 of height, 3 retorts, and corresponding condenser and purifier.

I have been led to give these details because the former account referred to, has been pronounced fabulous by one of the monthly publications of London. But it is to be observed that there are several others in the island as colossal, one, for instance belonging to the Conde de Penalver, another to the Condesa de Reunion, one to Don F. Diego and others. The Conde de Fernandina has lately formed one, the Agiuca, which it is said will be the largest in the island, as the works are on the most improved scale, and the annual produce calculated at 14,000 boxes of sugar.

The Alava of Don Julian Zulueta this season, is only calculated to produce 6,000 boxes, on account of the drought of last year, but in general years 10,000 boxes, which at 15 dollars a box, would be 150,000 dollars, or 30,000*l.* sterling per annum.

As a general computation, it is stated here in the last number of the Memoirs of the Royal Economic Society of Havana, that an estate with 150 negroes, to putting it in a state to produce 2,000 boxes of sugar, may have cost its proprietor 140,000 dollars, and thereupon gaining a value of 40,000 dollars to that crop; and considering that,

with proper management, 15,000 dollars will suffice for the expenses, a net surplus remains of 25,000 dollars, which is about 18 per cent. Could the slaves be bought at reduced prices, the profit would be accordingly greater.

From these considerations, the inference seems to me, that the least relaxation of the present system of prevention of Slave Trade, would be eagerly taken advantage of for the prosecution of those gains of which I have given these details.

The planters are actively intent on the promotion of their interests. They are proceeding with unremitting assiduity to obtain the best machinery, and carry on their business under the best systems they can learn. Meanwhile the Government is also aiding them, by going on with equal pace in promoting the prosperity of the island. Coals are not only admitted free of duty, but the vessels bringing them are admitted at a reduced tonnage duty. Public works on all sides are wisely carried on. New roads and bridges are in course of construction in every direction, and railroad companies encouraged and supported. Harbours are improved and opened to trade, so that both internal and coasting communications are facilitated. Three light-houses on the coasts are now building. Public instruction is much attended to, especially a branch lately established for engineers. Better municipal regulations also are formed for public convenience; but, above all, the administration of the Government under the Count de Alcoy, the present Captain-General, influencing of course every tribunal and subordinate authority, is placed in a remarkable manner on a footing, which, if it be continued so for a few years, cannot fail to give this island the fullest means of developing all the advantages it possesses.

If the Slave Trade were opened to them again, the people here would enter into it with an unscrupulousness, in which the English colonies could not compete with them, and the ruin therefore of the latter, would be complete and immediate.

I have, &c.

Viscount Palmerston, G.C.B.

J. KENNEDY.

No. 61.—*Her Majesty's Commissary Judge to Viscount Palmerston.*
(Received March 7.)

MY LORD,

Havana, January 9, 1849.

I HAVE the honour to report that, having on the 3rd instant seen a statement in one of the public papers that the Government had determined to use the hulk, formerly Her Majesty's ship "Romney," as a lazaretto for cases of cholera, in case that malady should reach this island, I thought it my duty to write my letter of that date (inclosed) to the Marquis de Esteva, the Spanish Judge of the Mixed

Court. In that letter, I submitted my opinion that this determination seemed to me an improper one, as the vessel had been assigned to be held ready for the reception of any captured Africans that might be brought here, which service it could not perform, if it were at the time used as a hospital ship for persons attacked with any contagious disease. I therefore requested him to call a meeting of the court, to consider what steps should be taken in consequence.

On the 7th instant, I received accordingly notice of a meeting of the court on the following day; when, a translation of my letter having been read, the Marquis de Esteva stated that the Government did not intend to use the hulk as a hospital ship, but had only put on board the passengers that had been brought in the English steamers and other vessels, to be kept under observation the number of days according to the regulation. His Excellency observed that, in case of the cholera breaking out, hospitals were to be fixed on the outskirts of the city, and that this application of the hulk was only temporary, required by the present emergency, which was not to affect the arrangement entered into at the sale of the hulk, for it to be kept ready for the reception of any captured Africans that might be brought.

At the time of the sale, it was understood that this Government might use the hulk as a guard-ship, or for any purpose not incompatible with its being always ready for putting on board any captured Africans that might be brought; and under the present emergency I thought this explanation admissible, being satisfied that, if it had been intended to use the hulk for a hospital ship, it would not now be carried into effect after the notice taken of it.

I have, &c.

Viscount Palmerston, G.C.B.

J. KENNEDY.

CAPE OF GOOD HOPE.

No. 67.—Her Majesty's Commissioners to Viscount Palmerston.

(Received April 15.)

MY LORD,

Cape Town, January 7, 1848.

WE have the honour to transmit to your Lordship a report drawn up by the Mixed Commission of which we are members, in compliance with the provisions of Article XI, Annex B to the Treaty of July 3, 1842, between Great Britain and Portugal, for the suppression of the traffic in slaves, relating,

1st. To the cases which have been brought before the Court for adjudication ;

2ndly. To the state of the liberated negroes ;

3rdly. To the treatment and progress made in the religious and mechanical education of the liberated negroes.

We have also to inform your Lordship that our Portuguese colleague is about to transmit a duplicate original of this report to the Government of Her Most Faithful Majesty.

We have, &c. GEORGE FRERE, JUN.

Viscount Palmerston, G.C.B.

FREDERIC R. SURTEES.

(Inclosure.)—Annual Report of the Mixed Commission.

Cape Town, January 7, 1848.

IN pursuance of Article XI of Annex B to the Treaty concluded on the 3rd July, 1842, between Great Britain and Portugal, for the suppression of the traffic in slaves, by which it is stipulated that the Mixed Commissions shall transmit annually to each Government a report, relating,

1st. To the cases which have been brought before them for adjudication ;

2nd. To the state of the liberated negroes ;

3rd. To every information which they may be able to obtain respecting the treatment, and the progress made in the religious and mechanical education, of the liberated negroes.

The Undersigned, Members of the Mixed Commission established at the Cape of Good Hope, have the honour to report to the Government of Her Britannic Majesty and to the Government of Her Most Faithful Majesty, that no case has been brought before them for adjudication during the year ending December 31, 1847, and that no negroes have been emancipated by decree of this Mixed Commission since its establishment.

GEO. FRERE, JUN.

ALFREDO DUPRAT.

FREDERIC R. SURTEES.

JAMES R. MACLEAY, Registrar.

Mixed British and Portuguese Commission.

No. 68.—Her Majesty's Commissioners to Viscount Palmerston.

(Received April 15.)

MY LORD,

Cape Town, January 13, 1848.

WE have the honour to report to your Lordship that, from the best information we can obtain, the Slave Trade on the east coast of Africa has by no means diminished during the year 1847, and that the usual proportion of the immense number of negroes, imported

into Rio Janeiro during the last 12 months, has been furnished by the Slave Traders in the Mozambique.

The reports we have already had the honour to make, will have shown your Lordship that only 5 vessels have been captured during the year in question, of which 3 were Brazilian, 1 Sardinian, and 1 United States, and that they were all taken before they had shipped their human cargoes.

Of these captures, 1 was made by Her Majesty's ship *Brilliant*, Captain Watson, and 4 by the Portuguese authorities, and we are glad to be able to report this proof, that, as far as the Governor-General's influence extends, the Slave Trade will be put down. His force, however, is quite inadequate to carry out his views throughout the extensive coast nominally under his jurisdiction; and as your Lordship is already aware, the assistance formerly derived from Her Majesty's cruizers has been much limited since the power confided to them by his Excellency's predecessor, General de Lima, to act in Portuguese waters where there is no Portuguese authority resident, has been withdrawn by the Portuguese Government.

In the month of November last, the Governor-General availed himself of the presence of Her Majesty's ship *President*, bearing the flag of Rear-Admiral Dacres, and Her Majesty's ship *Eurydice*, Captain Anson, to make a severe example of the slave-dealers settled at Angozha, who had set his authority at defiance, and had, on more than one occasion, fired upon the boats of men-of-war of both nations employed in suppressing the Slave Trade.

Aided by the boats of Her Majesty's ships above mentioned, under the command of Captain Anson, Major Campos was deputed by his Excellency to obtain from the Chief of Angozha a written engagement to submit to the authority of Portugal, and to her commercial regulations, to abstain from the Slave Trade, and to give up agents and others concerned therein.

The Chief, in answer, required a delay of 10 days, but it appeared that this was only done to enable him to collect the natives, who assembled in great numbers, and were busily employed in strengthening their defences.

The force was therefore moved up the river on the 23rd November to make a demonstration, but as soon as it appeared before the town, it was fired upon from the shore.

The engagement thus commenced by the natives, was kept up for about an hour and a quarter, when the fire from the boats having silenced the enemy and destroyed their defences, the force returned down the river.

In conclusion, we beg respectfully to repeat the opinion we have already had the honour to convey to Her Majesty's Government, that no effectual check can be administered to the Slave Trade on the east

coast without some increase of the force at present at the disposal of the Admiral Commanding-in-chief on this station, which is so limited, and has been so much in request for the service of the colony during the past year, that his Excellency has not been able to keep more than 2, and since the loss of Her Majesty's ship *Snake*, sometimes only one of Her Majesty's ships in the Mozambique to cruize for the suppression of the Slave Trade.

We are glad, however, to learn that another steam-vessel, Her Majesty's ship *Devastation*, is shortly to be added to the force on the station.

We have, &c.

GEORGE FRERE, JUN.

Viscount Palmerston, G.C.B.

FREDERIC R. SURTEES.

No. 70.—*Her Majesty's Commissioners to Viscount Palmerston.*

(Received May 23.)

MY LORD,

Cape Town, March 23, 1848.

WITH reference to our despatch of the 13th of January last, relative to measures taken against the slave-traders established in the Angozha River; we have the honour to acquaint your Lordship that, according to information subsequently received, the result of the attack made upon these lawless people is most satisfactory; the defences they had formed having been totally destroyed, with considerable loss, and the survivors having to all appearance abandoned the neighbourhood.

We have the pleasure to know also that the Governor-General of Mozambique has expressed his warmest thanks to the Commander-in-chief of Her Majesty's naval forces on this station, for the good service rendered by the boats of Her Majesty's ships *President* and *Eurydice*, in aid of the Portuguese force, on the occasion in question; and has signified his intention to prevent the re-establishment of slave-dealers in the Angozha, by vigilantly blockading the entrance to that river, as suggested by Rear-Admiral Dacres.

We have, &c. GEORGE FRERE, JUN.

Viscount Palmerston, G.C.B.

FREDERIC R. SURTEES.

No. 71.—*Her Majesty's Commissioners to Viscount Palmerston.*

(Received May 23.)

MY LORD,

Cape Town, March 24, 1848.

WE have the honour to report to your Lordship that, on the 26th of November last, Major Teixeira, the Governor of Quillimane, absconded from that place in a slave-ship, bound, it is said, for Rio de Janeiro, with 500 slaves on board. He was accompanied in his flight by the President of the Municipality, who had also been for some time suspected of being engaged in the Slave Trade.

A report that Major Teixeira had left Quillimane under the circumstances above stated, reached us some weeks ago, but we hesitated to communicate it to your Lordship until confirmed by those upon whose accuracy we could place reliance.

We learn with satisfaction that the Governor-General of Mozambique has appointed Major Campos to the post vacated by Major Teixeira. Major Campos is favourably known as an opponent of the slave-traders, and left Mozambique on the 2nd of January to assume his duties at Quillimane.

We have, &c.

GEORGE FRERE, JUN.

Viscount Palmerston, G.C.B.

FREDERIC R. SURTEES.

*No. 74.—Viscount Palmerston to Her Majesty's Commissioners.**

GENTLEMEN,

Foreign Office, November 1, 1848.

I HAVE to refer you to Article X of Annex B to the Treaty under which you hold your appointments, which specifies the manner in which the place of Her Majesty's Commissioner or of Her Majesty's Arbitrator is to be filled up, whenever either of those officers may be absent from his post, owing to death, sickness, absence on leave, or other legal impediment; and I have now to communicate to you the following rules for your guidance on this subject.

When Her Majesty's Commissioner is absent from his post, Her Majesty's Arbitrator is to take the oath as Acting Commissioner; but neither in this case, nor in the event of Her Majesty's Arbitrator being absent from his post, is the place of Her Majesty's Arbitrator to be filled until an occasion shall occur when the services of the Governor or other duly qualified functionary are required, either to adjudicate in the absence of Portuguese Commissioners, or to arbitrate in the event of a difference arising between Her Majesty's Commissioner or Acting Commissioner and the Portuguese Commissioner; and the duties of such Acting Arbitrator are to cease with the closing of the case in which he may have been called upon to act.

If both Her Majesty's Commissioner and Her Majesty's Arbitrator should be absent from their post at the same time, then the Governor or other duly qualified functionary ought to take the oath as Acting Commissioner, in order that the court may be placed in a state of competency to decide any matters which may come before it as arising out of the Treaty.

With respect to the remuneration to be given to persons who, under the rules herein laid down, may have to assume the office either of Acting British Commissioner or of Acting Arbitrator, I have to state to you that the officers so acting will receive pay only for those

* Similar despatches were addressed at the same date to Her Majesty's Commissioners at Jamaica, Louisa, and the Cape Verd Islands.

days on which they may have some public business to do in their capacity of Acting Commissioner or Acting Arbitrator.

I am, &c.

Her Majesty's Commissioners.

PALMERSTON.

No. 79.—Her Majesty's Commissioners to Viscount Palmerston.

(Received March 28.)

MY LORD,

Cape Town, January 10, 1849.

WE have the honour to transmit to your Lordship a report drawn up by the Mixed Commission of which we are members, in compliance with the provisions of Article XI, Annex B to the Treaty of July 3, 1842, between Great Britain and Portugal for the Suppression of the traffic in slaves, relating

1st. To the cases which have been brought before the court for adjudication ;

2nd. To the state of the liberated negroes ;

3rd. To the treatment and progress made in the religious and mechanical education of the liberated negroes.

We have also the honour to inform your Lordship that our Portuguese colleague is about to transmit a duplicate original of this report to the Government of Her Most Faithful Majesty.

We have, &c. GEORGE FRERE, JUN.

Viscount Palmerston, G.C.B.

FREDERIC R. SURTEES.

(Inclosure.)—Annual Report of the Mixed Commission.

IN pursuance of Article XI of Annex B, to the Treaty concluded on the 3rd July, 1842, between Great Britain and Portugal for the suppression of the traffic in slaves, by which it is stipulated that the Mixed Commissions shall transmit annually to each Government a report, relating

1st. To the cases which have been brought before them for adjudication ;

2nd. To the state of the liberated negroes ;

3rd. To every information which they may be able to obtain respecting the treatment and the progress made in the religious and the mechanical education of the liberated negroes.

The undersigned members of the Mixed Commission established at the Cape of Good Hope, have the honour to report to the Government of Her Britannic Majesty, and to the Government of Her Most Faithful Majesty, that no case has been brought before them for adjudication during the year ending December 31, 1848, and that no negroes have been emancipated by the decree of this Mixed Commission since its establishment.

GEORGE FRERE, JUN.

A. DUPRAT.

FREDERIC R. SURTEES.

JAMES R. MACLEAY, *Registrar.*

JAMAICA.

No. 81.—*Her Majesty's Commissioner to Viscount Palmerston.*

(Received August 21.)

MY LORD,

Jamaica, July 20, 1848.

THE Deputy Adjutant-General, Lieutenant-Colonel Farquharson, called on me a few days ago, and left with me a despatch addressed by Lieutenant-Colonel Hill, in command of the 1st West India regiment, to the Military Secretary at Kingston, containing the report of a complaint made to him by Corporal Peter Gordon, that his mother is retained in slavery by a person named Lawrance Hooper, residing in the English possessions at Cape Coast Castle, and stating that on a reference to Captain Murray, of the same regiment, who has lately served on the Gold Coast, he is informed by that officer that a system exists at Cape Castle, by which people are slaves, and that there is a kind of distinction in the servitude, some being designated slaves, some pawns.

Colonel Farquharson left with me also the note, addressed to him by Colonel Darrah of the 97th Regiment, stationed at Newcastle, the officer commanding the forces, in which he desires that Colonel Hill's communication should be laid before me, and my advice and assistance requested on the subject.

As I had previously heard a good deal of the pawn system at Cape Coast Castle, from the report of Dr Madden to Lord John Russell, when his Lordship held the seals of the Colonial Department, and from other authentic sources, I lost no time in waiting on Colonel Hill at Up-Park Camp, and asking his assistance, which he very readily afforded me, in obtaining such farther information as might enable your Lordship to put an end to an ill-disguised system of slavery, which is still manifestly carried on, within range of the guns of a British fortress, and with the direct sanction of chiefs and princes of the Fantee race, who could not maintain themselves in power for a day, against the more warlike Ashantees, without the protection of those very guns.

Colonel Hill having afforded me an opportunity of conferring on this subject with Captain Murray, I was informed by him that the pawn system is carried on in the Fantee country to such an extent as to embrace almost the whole population, 99 out of every 100 being, as he conceives, in this kind of servitude.

With the permission of Colonel Hill, I had also an opportunity of seeing Corporal Gordon, who left Cape Coast Castle about 2 years ago, and Sergeant Edwards, of the same regiment, who arrived from thence with a detachment about a fortnight ago.

The statement of Gordon is, that his father, William Ward, had held his mother Elizabeth as a pawn, and had afterwards married her,

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and that he was the eldest son of the marriage ; that a sister, Mary Ward, older than himself, is now living a free woman at Cape Coast, the mother of 4 children. Gordon states also that his father died 15 years ago, when he himself was 10 years old, and that his father's chattels and other property, including his mother in her original character of a pawn, were then seized by his father's brother, Lawrence Hooper, the brother of mature age being preferred to the minor son by the laws of the Fantee country, to the inheritance of the property of the deceased father.

Captain Murray seems to confirm this view of the matter, and suggests, that even the succession to the authority of the king or chief descends there in the collateral instead of the direct line.

It is stated by Sergeant Edwards that, shortly before he left Cape Coast Castle, he had heard that Elizabeth Ward had been carried into the house of Amon, a caboceer or head man, under the orders of King Agra ; that both of them live within a quarter of a mile of our castle walls ; and that the poor woman was held there a prisoner in chains, preparatory to her being sent for sale as a slave into the Ashantee country ; where, in the opinion of Sergeant Edwards, she would probably be considered as equal in value to about a Spanish doubloon. Under the influence of the threat of Sergeant Edwards, that if not immediately released, he would report the case to Governor Wynyard, Elizabeth Ward was restored, not to a state of freedom, but to her previous condition, as the pawn of Lawrence Hooper.

The complainant, Peter Gordon, is able to read and write, and appears to be otherwise a person of some intelligence, which his promotion to the rank of a non-commissioned officer confirms. He states that he received a letter from his mother by the transport which lately brought here a detachment of his regiment, complaining of the treatment she had received, as stated and confirmed by Sergeant Edwards : but the letter itself, on being sent for, was found to have been lost or mislaid.

I proposed to transmit a copy of this despatch to Her Majesty's Commissioners at Sierra Leone, by the opportunity which a change of troops is about to afford ; and having conferred with Sir Charles Grey on the subject, I shall also send a copy of it to his Excellency for transmission to the Colonial Office.

I have proposed to my colleague, Mr. Hamilton, to concur with me in the communications ; but, while he entirely approves of what I am doing, he prefers that, on this occasion, I should act independently.

I have, &c.

Viscount Palmerston, G.C.B.

D. TURNBULL.

No. 82.—Her Majesty's Commissioners to Viscount Palmerston.

(Received December 22.)

(Extract.)

Jamaica, November 18, 1848.

WE take the liberty of submitting to your Lordship's notice a printed copy of the votes of the House of Assembly of Jamaica, dated yesterday, containing a memorial addressed to Her Majesty the Queen, on the subject of the execution of the Treaties with the Spanish and Brazilian Governments for the suppression of the Slave Trade; a similar address has been agreed to by the Board of Council, and both documents will doubtless be transmitted in the regular course by his Excellency the Governor to the Secretary of State for the Colonies.

The leading point to which our local legislature thus solicits the attention of Her Majesty's Government appears to be the renewal of the negotiation upon which your Lordship entered with the Government of the Queen Regent of Spain in 1840, for the extension of the powers of the Mixed Court at the Havana to an inquiry into the legal *status* and condition of the native-born Africans now in slavery in Cuba and Porto Rico, so as to secure to those who have been introduced there since 1820, in violation of Spanish law, and in contravention of international Treaties that right to their freedom to which they are entitled, and which the 2 contracting Governments appear to be bound to them and to each other to guarantee.

Another point embraced in these memorials and in the discussions of the legislature which led to them, is the present condition and remaining numbers of that unhappy class of persons known familiarly by the name of "the emancipados." To this subject we took the liberty of drawing your Lordship's attention by our despatch of the 3rd of January, 1846, without entertaining the remotest idea of throwing blame on any British officer whatever, but actuated purely and simply by the wish that persons of this class should not be deprived of their rights by the fraudulent substitution of others who had either purchased their redemption under the operation of the law of Spain, which is known to be applicable to another class of slaves called *cuartados*, and who had either become desirous of leaving a country where slavery prevails, or whose longer residence in Cuba had become unwelcome to the authorities.

By the printed papers which have lately reached us, it appears that your Lordship had referred our despatch to Mr. Kennedy, who, from his answer, appears to have misunderstood the intent and spirit of the statement he was desired to explain. Every one of the negro passengers brought here by the steam-packets from Havana, so far as our inquiries extend, is provided with some sufficient written authority for leaving the Spanish dominions. Sometimes it consists of the ordinary letters of manumission in favour of an African or

creole slave, together with the usual passport in favour of a person of free condition. Sometimes also, but in rarer instances, so far as our observations extend, this authority consists merely of the decree of the Mixed Court, which, instead of being delivered at the time to the party in whose favour it was pronounced, was handed over to the Captain-General of Cuba, whose habit it then was to retain these certificates of freedom in his own possession, not for the purpose of securing the liberty of the emancipated slave, but in order to derive a profit to himself and his subordinates by hiring him out at exorbitant rates for successive terms of years. The mere fact that these certificates must all bear some date between the year 1820 and the year 1835, affords sufficient evidence that justice has not been done to this unfortunate class of persons, and it would clearly be intolerable that the large number of these emancipados for whose absolute freedom the Spanish Government has made itself responsible, should, in any way, be diminished by substituting for them the names of ordinary slaves, who, by large payments in money, had legally entitled themselves to their letters of manumission.

Now the fact that the negroes delivered over by the Captains-General of Cuba within the last 5 years to Her Majesty's Commissioners at the Havana, for the purpose of removal to a British colony, have not been all of the true class of emancipados, does not in the least degree depend upon the knowledge which either of us possesses either of pure Castilian or of that corrupted dialect which is spoken by the negro victims of Spanish Slave Trade. We are all perfectly competent, Mr. Kennedy and ourselves, to distinguish between an act of manumission signed by a Spanish notary, with a common passport annexed, and a certificate of emancipation signed by the British and Spanish Judges of the Mixed Court at the Havana. Our statement, dated in January, 1846, was that, after a careful examination of the passports of the negroes, who in the previous year 1845, had been consigned by the superintendent of liberated Africans at the Havana to the Agent-General of immigration in Jamaica, we had not been able to find that they really in general belonged to the class of emancipados at all, and that from the conversations which Mr. Turnbull had held with more than 20 of their number, it rather appeared that they were for the most part of the larger class of free persons of colour, who had either been born free or had acquired their freedom by manumission, or otherwise, in the ordinary course of things.

This statement we considered at the time sufficiently circumstantial to entitle it to your Lordship's attention. We never imagined that it could give any one offence, and we have seen with some surprise that Mr. Kennedy, writing from London on the 20th August, 1847, attempts to throw a doubt over its accuracy.

Within 10 days from that very date, however, Her Majesty's

Acting Commissioner, Mr. Crawford, writing from the Havana, transmits to your Lordship a list of 6 persons, whom, repeating the language of Captain-General O'Donnell, he describes as belonging to the class of emancipados, although in reality only one of the 6 belonged to that class, while the other 5, although no doubt victims of the Slave Trade, had been brought to Cuba in vessels which had not been condemned by the Mixed Court, and whose case therefore afforded a clear justification of that previous statement of ours which Mr. Kennedy has thought himself justified in calling into question.

Still less, in the face of our statement, that Mr. Turnbull had conversed with more than 20 of the persons so consigned to the Agent-General of immigration in Jamaica, is Mr. Kennedy entitled to insinuate, as he does in a subsequent letter, that Mr. Turnbull had met only with one or two of such persons, and that even of these he had not been able to understand the language. The fact is, that these conversations in general took place in the office of the sub-agent of immigration at Kingston, or on board the several steam-packets, in the presence of the sub-agent, who was in the habit, on the arrival of the supposed emancipados, to invite Mr. Turnbull to assist him as an interpreter. The gentleman in question, Mr. R. Sydney Lambert was also a stipendiary magistrate, but having since returned to England, is now resident at Bristol, where we believe he can readily be referred to.

In the archives of the Mixed Court at the Havana there must exist, we apprehend, a specific list *seriatim et nominatim* of every individual African brought into the ports of Cuba by Her Majesty's cruizers, and declared by the Judges of that court to be entitled to his freedom. These lists, therefore, afford a clear and definite measure of the extent of the responsibility of the Government of Her Catholic Majesty with respect to these emancipados. Of that responsibility the Spanish Government can only be relieved in one of three ways.

1st. By evidence of the death of each individual emancipado ; or

2ndly. By evidence of his now living under Spanish protection in a state of perfect freedom ; or

3rdly. By his transference to the care of some duly qualified British authority.

It humbly appears to us that Her Majesty's Government is intitled to inquire into the personal history of every individual emancipado, and as the Spanish authorities in Cuba, from the Captain-General downwards, have systematically sanctioned the maintenance of the class in a servile condition of the lowest and most degraded character, the Queen's Government is surely intitled to have some better evidence of the fact that the survivors are living in the actual enjoyment of their freedom than the mere certificate of such a man

as General O'Donnell, who has been notoriously in the habit of deriving to himself a large pecuniary benefit through the unrequited services of those very persons.

In support of this view of the matter, we need only recall your Lordship's attention to the recorded case of the emancipado Gavino, who, in the course of his unhappy career, had been transferred and re-transferred for 4 several terms of 5 years each, at a profit to successive Captains-General of 36 doubloons, and for bringing whose case under the notice of the Prince of Anglona in 1840, Her Majesty's Consul was threatened with the delivery of his passports.

We have prepared an abstract from the Parliamentary papers of the numbers of persons whom the Spanish authorities describe as emancipados, and to whom they affirm they have delivered the certificates of their freedom, with the names of the slave-vessels in which they are said to have been captured, and the numbers of the children to whom the females have given birth since their arrival in the island of Cuba.

This abstract may possibly facilitate an inquiry into the number of those who remain to be accounted for.

We have, &c. D. TURNBULL.

Viscount Palmerston, G.C.B.

ARTHUR R. HAMILTON.

(Inclosure 1.)—Memorial to the Queen from the House of Assembly of Jamaica.

To the Queen's Most Excellent Majesty.

The humble Memorial of the Assembly of Jamaica.

MOST GRACIOUS SOVEREIGN,

WE, your Majesty's most dutiful and loyal subjects, the Assembly of Jamaica, approach your Majesty with ardent feelings of attachment to your Majesty's person, as the Sovereign of a great empire, distinguished alike for benevolent as for glorious achievements.

In offering this expression of our devotedness and attachment to your Majesty's person and Government, we beseech your Majesty graciously to permit us, in the name of the entire body of inhabitants of this colony, to express our regret that the unwearied and generous efforts of the nation should be yet found insufficient to effect the abolition of the African Slave Trade, or to enforce the faithful fulfilment of those Treaties, which have been entered into for the accomplishment of that humane and desirable object.

We would humbly show to your gracious Majesty, that when Great Britain abolished the traffic in slaves on the coast of Africa, in 1807, the Parliament shortly after ensured the rigid prohibition of the trade to British subjects, by declaring it felony in any person

under British allegiance to be concerned in pursuing it: and the Government by the Treaties with other nations, promoted, as a solemn obligation, the abandonment of the trade by all other Christian people whatever; strenuous exertions have accordingly been used, and expensive sacrifices have been made, to induce other countries to follow Great Britain in this work of humanity. A series of Treaties have been effected, having for their object, an universal league and co-operation for extinguishing this disgraceful and inhuman traffic, and the moral influence of Great Britain has succeeded in putting an end to the exportation of slaves from Africa by all the Powers of the world, except by Spain and by Brazil, which, removed from the constraint of a colony of Portugal, now continues the traffic as an independent empire.

By recent Treaties, Portugal, which for a long time had aided in covering the importation of Africans into the Brazils, now appears to have determined in good faith to enforce the laws made for the abandonment of the traffic; but your memorialists humbly show to your most gracious Majesty, that the people in the Brazils, in spite of the obligations of Portugal, by which they had bound themselves, and in violation of their own engagements as an independent Power, have persevered to the present day in pursuing the unholy traffic, and that in defiance of stipulated pledges, the Spanish Government is unwilling to fulfil its solemn engagements to terminate the trade.

Your memorialists show, that by Article X of a Treaty of Alliance, made on the 19th of February, 1810, between Portugal and Great Britain, and by subsequent Conventions and Treaties entered into on the 22nd of January, 1815; the 28th of July, 1817; the 11th of September, 1817; the 15th of March, 1823; and again in 1826, Portugal was bound to co-operate with Great Britain in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual and total abolition of the Slave Trade, in consideration whereof, Great Britain remitted to the Portuguese Government a debt of 600,000*l*.

That on the 25th of November, 1826, immediately after the recognition of the independence of the ancient South American Portuguese colony, the Brazilian Government entered with Great Britain into a Convention, stipulating:—1st, that 3 years thereafter it should be unlawful for Brazilians to be concerned in the African Slave Trade under any pretext, and that the carrying on of such trade by a Brazilian subject should be deemed and treated as piracy; and that in the meantime the Slave Trade Convention, concluded in 1817 between England and Portugal, should be applied to the restriction of the Brazilian Slave Trade.

That on the 28th of August, 1814, the Spanish Government entered into a Convention with Great Britain, to prohibit all Spanish

subjects from being concerned in the Slave Trade, except for supplying Spanish possessions; and on the 23rd of September, 1847, a further Treaty was entered into between Spain and Great Britain, by which it was agreed to put down immediately the African Slave Trade of Spain north of the equator, and to abolish entirely all slave-trading throughout the Spanish dominions after the 30th of May, 1820, and by this Treaty England paid to Spain 400,000*l.* as compensation for losses sustained and to be sustained by Spaniards in consequence of this engagement to terminate the trade.

That on the 19th of December, 1817, the King of Spain issued a decree, having the force of law, in conformity with this Treaty, and on the 28th of June, 1835, Spain concluded with England another Treaty for the same purpose, more efficient in its stipulations than any of the former Treaties.

Your memorialists show to your most gracious Majesty, that notwithstanding the provisions of these Treaties, and the several endeavours made by successive administrations in England, and the zeal and activity of their Ministers and Agents abroad, the Slave Trade has been carried on with various success by Spanish and Brazilian subjects, and exists to this day with great aggravation of all its horrors, and that the Treaty with Brazil has been of no effect; that the faith of that nation has been broken, and its engagements deliberately and systematically, for a long course of time, violated, and that the trade has been carried on by Brazilians openly and constantly, with the sanction and under the protection of the subordinate authorities, notwithstanding powerful efforts have, from time to time, been made by the Government to prevent it.

That the Treaties with Spain are likewise of no avail; that the faith of the Spanish Crown has been constantly broken, and her engagements have been deliberately and systematically, even from the commencement of the first Treaty, violated; and that the Slave Trade has been, and still is, carried on and pursued in Cuba, openly, and with impunity, under the sanction, and under the positive protection of the Governor and Government officers of that island, who disregard and set at defiance all orders on the subject sent to Cuba from Madrid, such orders being by them formally announced, while they are openly, because safely, disregarded and disobeyed.

We further show that these Treaties have been broken, and the faith of Spain and the Brazils violated, for the illegal profit of those public officers who, in the abandonment of their duty under these Treaties, not only permit the traffic to be carried on, but are paid considerable sums of money on the landing of each cargo of Africans.

Your memorialists submit, that so long as the Governments of these 2 countries, paid by Great Britain to support her in her exertions to put an end to the traffic, are permitted to violate their

engagements with impunity, so long as the people can profitably pursue the traffic, and so long as officers of these Governments are permitted to participate in emoluments derived from the traffic, so long will all the exertions of Great Britain only tend to change the character, but never to exterminate the traffic. And your memorialists humbly submit to your most gracious Majesty, as the continuance of the Slave Trade by these 2 countries tends seriously to impede the successful cultivation of the British West Indian colonies by free labour, and to jeopardize their existence and usefulness as colonial appendages to the Crown of Great Britain, their agricultural prosperity and commercial importance depending, among other measures, on the extinction of the Slave Trade, it is due to the inhabitants of this and the other West Indian colonies, and your memorialists respectfully and earnestly claim it as a duty which Great Britain owes to her character, and as an act of justice due to her people and to those powers which have been guided in their policy on this subject by her influence, that she should not only continue the means hitherto used by her for the purpose of suppressing this disgraceful traffic, but that all other means, with or without force, within her power, should be brought to bear on the question, in order to accelerate the speedy and entire abolition of the barbarous traffic in human beings, and that she is justified in dealing with infringements of Treaties relating to that traffic in the same way that she would deal with breaches of other Treaties not connected with the Slave Trade.

We, your memorialists, therefore humbly and respectfully suggest and submit, that among other measures which may be adopted for maintaining the integrity of obligations entered into by Spain and the Brazils respectively, the convention proposed to the Queen Regent of Spain in 1840 (by which the Mixed Commission Report, established at the Havana, was to be authorized to inquire into, and adjudicate on, the condition of all Africans, not alone captured in an attempted unlawful introduction, but illegally introduced into the Spanish dominions, and held enslaved therein in defiance of existing Treaties) should be required of Spain as the only sufficient guarantee for the suppression of the African Slave Trade in her colonies; and that from Brazil a similar Convention should be claimed as a necessary security for the fulfilment of her obligations; and as the Governments of Madrid and Rio Janeiro have shown their inability to compel their subjects and official authorities to observe existing Treaties, we would further humbly and earnestly submit that it would be necessary to appoint British agents for co-operation, and for the trial and adjudication of claims under abolition Treaties. The character of British functionaries for zeal, courage, and activity, would, we feel assured, in spite of the difficulties which may be thrown in their way, have the effect of ensuring the adoption of such

measures as would compel the performance of their engagements by the subjects of their Governments, or at all events, it would suppress at once those proceedings which render slave-traders successful in their criminal adventures, by the direct connivance of their officials; in the meantime we respectfully and strenuously claim, for humanity's sake, as well as for that of justice to the inhabitants of these your Majesty's West Indian colonies, that the products of Cuba, Porto Rico, and Brazil, inasmuch as they are the growth and manufacture of slaves illegally imported into those countries, be excluded from the British market. When those countries shall be compelled to respect and execute Treaties solemnly entered into by them, we shall then, and not till then, hold them as approaching us as honest competitors in the arduous business of our common staple industry.

We conclude, in the name of the inhabitants of the colony, this our respectful memorial, by fervently and devoutly praying to the Throne of Grace that the enduring glory of your Majesty's reign may be to achieve the great and proud triumph of an effectual and faithful abolition of the Slave Trade, and that your Majesty may have the holy satisfaction of securing the rights and extending the liberties of the African race, and of diffusing the principles of humanity and justice universally among all nations.

Resolved, That the said memorial do pass.

Ordered, That the following message be sent to his Excellency the Governor.

" May it please your Excellency,

" We are ordered by the House to wait on your Excellency, and to request that you will be pleased to forward to the Secretary of State for the Colonies, the accompanying memorial to the Queen, with a request that he will present the same, in the most acceptable manner, to Her Majesty."

That Mr. March and Mr. Nockells be a committee to wait on his Excellency the Governor with the above message; who, returning, reported the delivery thereof.

(Inclosure 2.)—List of 1,347 Persons whom the Captains-General of Cuba describe as Emancipados, and to whom they affirm that they have delivered the certificates of their freedom, with the names of the Slave-vessels in which they are said to have been captured, and the number of the Children (412) to whom the females have given birth in Cuba, as shown by the Spanish statements in the Blue Books from 1842 to 1848.

No. 83.—*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, January 16, 1849.

I THINK it right to inform you that a proposal is now under the consideration of Her Majesty's Government and of the Government of Portugal, for abolishing the Mixed Commission of which you are members, and that this proposal will probably be carried into effect very shortly.

This measure has been mainly suggested by motives of economy, seeing that since the establishment of the Commission at Jamaica, no case has yet been brought before it for adjudication, and there being ground for supposing that it is very improbable that any case will be brought before that Commission hereafter.

Due provision, however, will be made on the abolition of your Commission for the proper disposal of any slave-vessels and slaves that may, hereafter, at any time be captured, and which would otherwise have been brought before your Commission.

I am, &c.

Her Majesty's Commissioners.

PALMERSTON.

No. 84.—*Her Majesty's Commissioners to Viscount Palmerston.*

(Received March 9.)

MY LORD,

Jamaica, January 1, 1849.

IN our last annual report on the state of the Slave Trade, we were enabled to announce, that 2 of the ships of Her Majesty's squadron, for the first time since the establishment of the court of which we are members, had been detached from the routine duties of the station for the special purpose of cruising against this odious traffic.

We have now to express our regret, that the cruise thus begun has not been attended with success. This result may possibly in some degree be ascribed to the temporary and partial suspension of the trade in consequence of the known failure of the coffee crops in the island of Cuba, and the transfer of the slaves from that branch of industry to the cultivation of sugar. But if such should prove to be the case, we fear that it will not afford any good ground for concluding that the Spanish Slave Trade has been definitively abandoned. The production of sugar in Cuba being decidedly on the increase, while the numbers of the slave population, during the suspension of this branch of the Slave Trade, are as decidedly on the decline, it appears to us to follow that, as soon as these two co-operating causes shall have absorbed or exhausted the temporary supply of labour obtained from the abandonment of the coffee plantations, the demand for labour will revive as a matter of course, and with it that sort of supply which the traders to the coast of Africa are ever ready to provide.

It is under these circumstances that we venture to renew our suggestion of last year, that as soon as a suitable opportunity presents itself, the negotiation with the Court of Madrid for the extension of the powers of the Mixed Court at the Havana should be re-opened, and that measures should be taken for the establishment of a Mixed Court with similar powers at the Court of the Emperor of Brazil, in whose dominions it is notorious that the Slave Trade is still prosecuted with unrelenting activity.

We are encouraged to press this suggestion the more earnestly on your Lordship's consideration, since we find that within the last few months its urgency has been recognized by two important classes of persons, who in former periods of our Colonial history were diametrically opposed to each other in all their views on this subject. Both bodies of the Jamaica Legislature have concurred in addressing Her Majesty by memorial to this effect; and the British and Foreign Anti-Slavery Society have been equally earnest in pressing the subject on your Lordship's attention. Thus the material interests of our Colonial Empire are reconciled and identified with the cause of freedom, inso-much that if the one is languishing, the other must languish with it; if the friends of humanity rejoice, the vast interests involved in our tropical agriculture cannot fail to recover from the deplorable condition in which they are involved.

The horrors of the Slave Trade are occasionally exposed to us in a very painful manner by the arrival of some miserable remnant of its victims from Sierra Leone or St. Helena; but the extreme wretchedness and destitution of men, women, and children, natives of the same country, and subjects of the same crown with ourselves, are of such frequent occurrence as to be ever present to our observation. And we hope to be pardoned for clinging to the conviction that it is within the attributes and power of Her Majesty's Government to put an end to these African horrors on the one hand, and to restore, on the other, to the inhabitants of these islands all that ease, comfort, and respectability, of which they have so long been deprived.

We have, &c. D. TURNBULL.

Viscount Palmerston, G.C.B.

ARTHUR R. HAMILTON.

LOANDA.

No. 87.—*Her Majesty's Commissioners to Viscount Palmerston.*

(Received April 27.)

MY LORD,

Loanda, January 3, 1848.

WE have the honour to inclose herewith the annual report, which, in compliance with Article XI of Annex B to the Treaty of the 3rd

July, 1842, the British and Portuguese Commissioners have drawn up for transmission to their respective Governments.

By this, your Lordship will perceive, 1st. That no cases have been brought before them during the preceding year for adjudication; and 2ndly. That the state of the 4 negroes (the only ones that have been liberated by the Commission) remains the same as at the date of their last annual report.

We have, &c.

GEORGE JACKSON.

EDMUND GABRIEL.

Viscount Palmerston, G.C.B.

(Inclosure.)—*Annual Report of the Mixed Commissioners.*
(Translation.) *Hall of Sessions of the Mixed British and Portuguese Commission, Loanda, December 31, 1847.*

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

IN fulfilment of Article XI of Annex B to the Treaty between Great Britain and Portugal upon the Slave Trade of the 3rd of July, 1842, we have the honour to report to your Excellency,

1st. That during the whole of this year no case has been adjudicated by the Mixed Commission of which we are members;

2nd. That the 4 negroes liberated by the sentence of this Commission continue, as is well known to us, in service on board the ships of the royal navy of Her Most Faithful Majesty cruising on this coast, and that they are well treated there; we ourselves having seen the aforesaid negroes since the date of our last report, in good health, contented, and well clothed.

We have, &c.

GEORGE JACKSON, *H. B. M.'s Commissioner.*

EUZEBIO CATELLA DE LEMOS PINHEIRO

FALCAO, *H. M. F. M.'s Commissioner.*

No. 91.—*Her Majesty's Commissioners to Viscount Palmerston.*

(Received May 6.)

(Extract.)

Loanda, February 14, 1848.

IN submitting our annual report of the state of the Slave Trade in that part of the world wherein we are stationed, it is a gratifying duty to call your Lordship's attention to the fact that, with one single exception—that of the case reported in our No. 26 of the 6th July, 1847, and to which we shall have occasion presently to revert—the measures pursued by the present Governor-General of this province appear to have succeeded in suppressing all direct attempts at Slave Trade in Portuguese vessels, although there can be little or no doubt that the many adventures (numerous beyond all precedent of late years) which have proceeded from the Brazils within the last few months directed to the south of the Line, and more particularly to Ambriz and the points immediately adjacent thereto, have all been, more or less, connected with establishments at this place; and it is a

fact deserving of notice as strongly confirming this opinion, that the appearance of them on this coast was immediately preceded by the report of an alarming insurrection at Benguella, got up with a view no doubt of drawing off the cruizers from the northward of this port where they were principally stationed.

With the conviction of this connection strong on our minds we cannot but look forward with much anxiety to the moment when either by the expiration of Captain da Cunha's original term of office, which closes in September next, or from any other cause the administration of this province shall pass into other hands, as should those hands prove less honest or less vigorous in the suppression of the traffic, it would assuredly revive to a greater or less extent according to the nature of the change.

Should, for instance, an interregnum occur so as to call into existence a Council of Government, such revival, with little or no check, would be but the too certain consequence.

As an expedient to bring this about, and despairing probably to affect the Governor's removal by the open attacks made upon him in the Lisbon prints headed from this place, the slave interest had it in contemplation to combine its efforts to return him as a deputy to the Cortes at the election which is now about to take place, a project which has only been desisted from on his Excellency's determination being made known not to serve if elected.

In the opinion we have expressed above we exclude of course the operations of the Portuguese naval force stationed on this coast, which even were it kept up to its original amount, which at present it is not, can only be regarded as an auxiliary, whose value is but secondary with reference to the suppression of the traffic in comparison of that internal vigilance and police now exercised throughout this province, the effect of which may be best estimated by the complaints of the traffickers against the Governor and the unpopularity in which his Excellency is held by them.

This feeling showed itself very strongly in what occurred last spring, and which was attributable far more to their intrigues and ill-will than to any sympathy for the "political prisoners."

At the same time (and this is the best proof of its real nature and origin) this unpopularity is by no means personal. Captain da Cunha is individually respected and esteemed, but it is against his Government as opposed to that traffic to which the great prosperity of Loanda was owing that their hostility is directed.

This prosperity they consider as gone for ever, and the effect of their manœuvres which are unceasing, is beginning, we are sorry to say, to be felt very sensibly in the falling-off of the commerce of this port, and the consequent decrease of the revenue mainly derivable from that source.

The present Governor-General was installed in September, 1845. The receipt from the Customs during the financial year ending the 1st July, 1846, amounted to 187,423 dollars 550 reis: that of the corresponding year ending last July to 144,599 dollars 235 reis, a falling-off of nearly 37 contos.

The Government accordingly is becoming every day more and more embarrassed, hitherto it has found means to pay the troops and to meet, though with difficulty, the various disbursements of the province, but those of the naval station, calculated at about 120 contos annually, are now 18 months in arrears.

This default is comparatively immaterial as affecting a dispersed body like the naval squadron, seldom if ever all present at the same moment; but should it extend to the other branch of the service the consequences naturally to be expected from a soldiery of the character of that which composes the troops in this colony might be most serious.

The abandonment of the port of Loanda for that of Ambriz, the resort now of almost all the foreign vessels, is partly accounted for, it is true, by their having no duties to pay at the latter, but without advertg to the various contributions to which, under one denomination or other, the merchants are subject at Ambriz from the native chiefs, and the increased trouble and risk to which they are liable on spots where there is no recognized predominant authority, fiscal or otherwise, it is obvious that the superior advantage, be it what it may, that Ambriz may offer over this port was always open to them, and that the true cause, therefore, of the transfer of trade from the one port to the other is to be looked for in the expectation on the part of the slave traffickers of being able to coerce the Governor by want of funds to adopt a line of policy less hostile to their interest; in plain terms, to relax in what they designate his persecution of the Slave Trade.

In this we hope and believe they will be disappointed, and the rather because we have heard with much satisfaction that when recently electors were to be chosen to vote for the 2 deputies whom this province returns to the National Cortes, overtures were made in vain to the Executive offering to support the Government candidates, on condition that the passage of slaves through the interior should be winked at; but that their measures are not without their effect may be seen from a portaria addressed by the Governor-General to the Director of the Customs in July last, allowing till further orders the re-exportation of goods from hence to the factories at Ambriz, Ambrizette, Laire, Cabinda, and others within these limits, upon payment of a fourth part of the duties of consumption in lieu of the whole amount which had hitherto for years been exacted.

If this concession should fail, as we anticipate it will, of its intent, it will be an additional proof of the influence and perseverance of this all-powerful party.

We adverted my Lord to the great number of Brazilian vessels which have proceeded to this coast south of the Line in the past year, and to the artifice employed to mislead the cruisers.

This did not succeed, and the consequence has been the capture by Her Majesty's ships of probably the greater part of the slavers, 5 of whom have besides fallen into the hands of the Portuguese squadron, notwithstanding that one of that squadron has returned to Lisbon, without as yet having been replaced by any other vessel, and that the efficiency of the whole, as regards the suppression of the traffic, was materially affected by the political events of last spring, which detained the Commandant of the station with his own and other ships for many months at anchor in this harbour.

To your Lordship the cause of this fresh impulse to the traffic and of a determination on the part of those engaged in it to persevere at all hazards, and to spare no expense even to the fitting out as we see of large armed steamers, will be more readily apparent than it can be to us with our very confined means of information in this remote and isolated spot, but the fact is unquestionable, and each day's experience confirms it more and more.

With regard to the French and American naval force on this coast we have little to report.

The French Admiral was here for a few days in December last, and there has been pretty constantly of late one or more of his cruisers in this harbour superintending, it is said, and keeping guard over, the large cargoes of coal which have arrived here in quick succession during the last half year for the French squadron.

We hear no further supply is expected, and that several of the French cruisers have returned to France, possibly to be relieved by others, but on this point Her Majesty's Government will be more accurately informed than we can hope to be, as also with respect to the movements of the naval force belonging to The United States, of which we have seen but one—a small brig called the *Boxer*—in this port since March, 1847.

In the beginning of this despatch we alluded to one case of Portuguese Slave Trade, that of a launch belonging to a notorious slave-dealer residing in this city which was proceeding northward with several young slaves of both sexes.

This case was attended with circumstances of the most revolting atrocity, and as such it was publicly denounced in the Official Gazette, but having already had the honour to report it at length, we revert to it only to draw your Lordship's attention to the impunity which has attended the perpetration of this crime, and which will infallibly

continue to attend the dealings of any individual whatever concerned in Slave Traffic, so long as the present system of dividing the jurisdiction in such matters between the tribunal of Prizes and the ordinary tribunals of the country shall be allowed to prevail.

In the case in question, when it came before the former the captured launch was declared by its sentence to be a good prize, the surviving slaves were emancipated, the owner was denounced by name, and the place of his residence whence the slaves were embarked accurately pointed out, and ulterior measures were ordered in conformity with what is prescribed by the Decree of the 10th December, 1836,* and the 14th September, 1844.†

This sentence was signed on the 6th July, 1847, and to this day the individual so denounced remains unmolested, nor does it appear that any proceedings whatever have been instituted against him.

Another instance, no less extraordinary and still more strongly confirmatory of our assertion respecting the conflicting nature of the 2 tribunals, is to be found in the case of the *Nova Trindade*.

A sentence of condemnation declaring the *Nova Trindade* to be a good prize, as having been engaged by the confession of the master of her, as well as on other evidence in the illicit traffic, was signed on the 5th October, 1847, by the Juiz de Direito, as member of the Prize Court, and on the 18th November following the same Juiz in his own Court acquitted and set at liberty the crew of that very vessel, declaring that "there were no grounds of accusation against them."

A similar acquittal, with the exception of 1 Portuguese seaman, took place in the other cases brought before him; they were all cases of proved Slave Traffic, and nearly all occurred in Portuguese waters; the only difference was that he was no party to their adjudication by the Prize Court, the same having taken place before his arrival.

As regards the disposal of the vessels when condemned, that question is now definitely settled.

Against the practice of breaking them up completely previous to their being sold, 2 representations were made to the Government at Lisbon, the first by the Portuguese members of the Mixed Court, the second by the Tribunal of Prizes.

To both an answer has been received, enjoining the exact and punctual observance of the Decree of the 10th December, 1836.

Our last year's report closed with an account of an attempt to introduce the cultivation and manufacture of sugar into this province.

We then stated that we were not very sanguine as to its success, we are sorry in this to have to announce its complete failure, the parties concerned in it have quarrelled, and a considerable outlay which can be turned to no other account has been expended in vain,

* Vol. XXIV. Page 782.

† Vol. XXXIII. Page 410.

and though one of the parties, the Frenchman, is said to be engaged in repeating the experiment in another quarter, there is but little probability of any more satisfactory result.

The foregoing observations, my Lord, comprise all of fact which appears to us necessary to report, but there are 2 subjects bearing so directly on the general question of the suppression of the Slave Trade, that though they have both been at different times brought under the notice of Her Majesty's Government, we cannot forbear to press them again respectfully on their attention upon the present occasion.

The first respects the abuse of the coasting trade passports given by the authorities in the Brazils, without due caution and supervisal, to vessels professedly dispatched for some neighbouring port, but in reality destined to the coast of Africa.

In almost every instance of capture that we are aware of where the vessel has produced any papers at all they have been of this character, and to show the way in which such papers are obtained it is only necessary to quote a letter found on board one of the vessels recently taken, signed by the noted Manoel Pinto Fonseca, written in August last from Rio de Janeiro to his agent at Mucabé, in which he acknowledges the receipt of a letter from him a few days before announcing his arrival in a schooner, and then says, "the schooner not having any papers it is necessary to apply to the Judge, showing and proving (*justificando*) that she (the schooner) having been for a long time past employed in the fisheries is desirous of taking her departure from Rio de Janeiro, for which purpose a passport is necessary, which he will soon cause to be delivered to you, and so you may come here with her at once."

In a second letter, after giving his agent directions to select from 2 batches numbered the one 170, the other 30, 6 young negroes of good appearance from 16 to 18 years of age, and to allow Senhor Francisco Domingues de Azevedo to choose out 6 more, he orders the remainder in the state in which they were to be delivered to Senhor Iné Maria Gomes, and those which came addressed to Iné Caetano, he says, are to be given into the hands of whomsoever he may appoint, as he will settle with me here for the freight and landing; and then he goes on to say, "I have already advised how to manage to obtain papers for the schooner. I believe that all will be got, so come here as soon as possible."

By the Decree of the Regency of the 12th April, 1832,* for carrying into effect the law prohibiting the importation of slaves into Brazil, dated the 7th November, 1831,† it is declared in Article I, that "every vessel shall be visited by the police immediately preceding her departure."

In the face of this regulation, we find vessels as above described,

* Vol. XX. Page 178.

† Vol. XX. Page 165.

day after day, openly leaving not only Brazilian outports, but even the port of Rio de Janeiro with slave cargoes and equipments, and avowedly destined for the coast of Africa, and what has recently happened shows that not even a circumstance so calculated to awaken suspicion as the departure of steam-ships with the same destination is sufficient to excite the attention of the Imperial Government.

We have not heard of any but vessels with Brazilian papers, or vessels without any papers at all, being now actually engaged in slave traffic; but the frequent departures from Rio de Janeiro of American and other vessels for the coast of Africa with cargoes suited for the same, would seem to indicate a close connection between the one and the other.

The *Malaga*, which since we began this despatch we have heard was taken by Her Majesty's brig *Ferret*, with a full cargo of slaves in December last, is a strong confirmation of this.

The *Malaga* cleared out from Rio de Janeiro as an American vessel on the 30th September preceding for the coast of Africa, and we understand that a great part of the original American crew were on board when she was taken.

Under such circumstances, it is evident that so long as these and similar abuses shall be connived at by the Imperial Government or its local authorities, no naval force on the coast of Africa, however numerous, can suffice to suppress the traffic, unless a corresponding force, even though it should not be to so great an amount, be contemporaneously stationed on that of Brazil, and the egress of vessels from her ports be again narrowly watched, as was the case prior to 1845; because, whatever may be the activity of Her Majesty's squadron on this side of the Atlantic, still many vessels must necessarily escape their vigilance, which, when they have once succeeded in clearing this coast, have little further molestation to apprehend.

The second point to which we would draw your Lordship's attention has reference to the disposal of the prize crews taken by Her Majesty's cruisers.

The necessity of doing away with the impunity of these persons was strongly insisted on in the evidence taken before the Duke de Broglie and the Right Honourable Stephen Lushington, D.C.L., in the spring of 1845, and represented as only second in importance to the establishment of an universal right of search; and yet what is the practice? (whether unavoidable or not Her Majesty's Government will decide.) These persons, unless the prize be sent before a Mixed Commission, are for the greater part released instantaneously, or at the most carried to the place of adjudication, from whence every facility is afforded them for their return to their own country, entailing thereby, it may be, considerable expense on the British Government, and, what is a far more serious consideration, enabling, not to say

encouraging, those who by liability to an effective personal punishment might be deterred from again engaging in the traffic to persevere in it to the last.

The consequence is such as might be expected.

The same individuals quickly re-appear on the coast with renewed energies and experience.

In 3 instances of vessels recently brought before the Prize Court in this city, the masters of them acknowledged that they had been previously taken within no very distant period, and the same we understand to have occurred with some of those captured by Her Majesty's cruizers.

On a perusal of the operations of Her Majesty's naval force on this coast to the present time, your Lordship will, no doubt, be struck by the unprecedented number of captures made by British cruizers, an amount which, although we cannot from any means within our reach establish the fact authentically, will be found probably to give a total far exceeding that of any previous year.

Her Majesty's steam-sloop *Styx* alone has taken within these last 6 months 21 vessels in the vicinity of Ambriz.

Creditable, however, as this result must undoubtedly be considered to the zeal, activity, and intelligence by which it has been attained, we should, we fear, be only deceiving Her Majesty's Government, were we to hold out the expectation that by such losses, however severely they may fall on this or that individual, any very material check will be given to the traffic.

Still less are we able to congratulate your Lordship thereupon with that unmingled satisfaction which the capture of so many slave-vessels would, at first sight, seem to warrant, for your Lordship will not fail to observe, that though these 21 vessels (we speak only now of the *Styx's* prizes, *ex. gr.*) were all fully equipped and prepared for the reception of their human cargoes, not one had any slaves on board when taken.

These vessels averaging in round numbers 150 tons each, would suppose upwards of 6,000 slaves to have been in readiness for embarkation, because it is well known that a slaver will ship her cargo in the course of a very few hours, and that, consequently, she does not make her appearance on the spot whence she proposes to take her slaves till she has reason to believe that all is ready; but assuming, as we are disposed to do, that the 8 old and unseaworthy craft among them were only used the better to facilitate the operations of the remainder, and that they were not, in fact, reckoned upon for shipping any cargo at all themselves, the number might be taken upon a very moderate computation at about 3,000.

We have, &c. GEORGE JACKSON.

Viscount Palmerston, G.C.B.

EDMUND GABRIEL.

No 92.—Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 31, 1848.

I HAVE to refer you to your despatch of the 13th of November, 1847, in which you stated that the Governor-General of Angola had represented to the Portuguese Government the difficulty of carrying into execution the Decree of the 10th of September, 1846, for breaking up and selling in different pieces slave-vessels condemned by the Portuguese Prize Court at Loanda, and had proposed that that decree should be so far modified as to allow of such vessels being sold entire, the purchaser covenanting to break it up within 3 months from the date of sale, and the Prize Court being invested with full power to enforce this obligation. I transmitted a copy of that despatch to Her Majesty's Minister at Lisbon, and I instructed him strongly to urge the Portuguese Government to refuse compliance with this application of the Governor-General of Angola, and to recommend that, if these slave-vessels cannot be broken up, they should be burnt; because it appeared to me obvious that, if the proposal of the Governor-General were complied with, no such condemned vessels would ever be broken up by the purchasers, and that they would probably all go back to the Slave Trade.

Sir Hamilton Seymour has reported to me that fresh instructions were sent from Lisbon on the 30th of May to the Prize Court at Loanda, to enforce the execution of the Decree of September, 1846; and I herewith transmit to you, for your information, a copy of a despatch which I have recently addressed to Sir H. Seymour, instructing him to suggest to the Portuguese Government that if it should be represented that the process of breaking up these condemned vessels is troublesome and expensive, it may be answered that a small quantity of gunpowder, properly applied, would effectually break up any slave-vessel.

I am, &c.

Her Majesty's Commissioners.

PALMERSTON.

No. 114.—Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 9, 1848.

WITH reference to previous correspondence on the subject of the difficulty experienced in carrying into execution the decree issued by the Portuguese Government on the 10th of September, 1846, for breaking up slave-vessels condemned by the Portuguese Prize Court at Loanda, I transmit to you herewith for your information a copy of a despatch, together with its inclosure, from Her Majesty's Minister at Lisbon, stating that the Portuguese Government have adopted a suggestion which I directed him to make to them, that the condemned slave-vessels should be destroyed by gunpowder, and it seems that

orders to that effect have already been dispatched to the Governor-General of Angola.

I am, &c.

Her Majesty's Commissioners.

PALMERSTON.

No. 116.—*Her Majesty's Commissioners to Viscount Palmerston.*

(Received November 8.)

MY LORD,

Loanda, August 21, 1848.

FOR some time past reports had been current here of the appointment of a new Governor-General of Angola, but nothing certain was known on the subject till the 15th instant, when Her Most Faithful Majesty's corvette *Oito de Julho* arrived from Lisbon, having sailed thence on the 4th of June, and having on board Brigadier-General Adrião Accacio do Silveira Pinto, whom by Decree of the 18th of February, 1848, Her Majesty the Queen of Portugal was pleased to name to that post.

This decree is accompanied by another of the same date relieving Captain Pedro Alexandrino da Cunha from his duties as Governor, his time of service having expired.

In this decree Her Majesty speaks of the efficacious and persevering services rendered by that officer in the Portuguese possessions in the south-western parts of Africa, and of placing him in testimony thereof, in some other situation where he may have an opportunity of serving the public no less usefully.

To this testimony, and more particularly as regards the zealous watchfulness of Captain da Cunha in the repression of the Slave Trade, it may, perhaps, be permitted us, my Lord, on this last occasion to add that of ourselves, and to say that it would be impossible to speak in too high terms either of the probity or the constant exertions of the late Governor in carrying out the views of our respective Governments in this respect.

In the decree appointing the new Governor, reference is also made to his long public career, and to the zeal and efficiency evinced by him during the same.

We understand that, having served in the Peninsular war, he held the appointment of Governor of Macão for 5 years, and was recently on the staff of the Duke of Terceira when that nobleman was made prisoner at Oporto.

The Brigadier-General was installed on the 17th instant, and having been previously presented to him at an entertainment given by his predecessor, the members of the Mixed British and Portuguese Commission, waited on his Excellency according to appointment, and were very courteously received.

The *Oito de Julho* is commanded by Captain Manoel Thomaz da Silva Cordeiro, who replaces Captain Cardozo, in the command of the naval station on this coast.

The latter officer, lately elected deputy to the Cortes, returns to Europe, as well as the ex-Governor, by the first opportunity.

We have, &c. GEORGE JACKSON.
Viscount Palmerston, G.C.B. EDMUND GABRIEL.

No. 117.—*Her Majesty's Commissioners to Viscount Palmerston.*

(Received November 8.)

(Extract.)

Loanda, August 22, 1848.

HAVING in our preceding despatch reported for your Lordship's information the arrival and installation of the new Governor-General of this Province, we are sorry to be obliged to add that his Excellency has brought out with him instructions addressed respectively to the squadron and to the Prize Court which will, we fear, go far to render nugatory any further naval operations on the part of the Portuguese in the suppression of the Slave Trade.

Portuguese cruizers are now strictly forbidden either to visit or detain any foreign vessel with or without slaves on board, not actually within the range of cannon shot, or 3 miles from the shore, even though such vessel should have been first seen and chased within that distance, and the Prize Court is prohibited from taking cognizance of any foreign vessel taken under such circumstances.

These instructions are also communicated to the Portuguese Commissioners in the Mixed Court.

Your Lordship will, perhaps, remember that on a former occasion we reported the way in which the Commandant of the Portuguese naval station spoke of the limits prescribed to him as so "many planks of safety for the traffickers."

This feeling must necessarily be much strengthened by the receipt of the present instructions, and will, it is to be apprehended, tend greatly further to discourage the exertions of the naval force on this coast, already enjoying but little of the personal stimulus which other services hold out to captors.

Simultaneously with these instructions, the sentence of the Court of Appeal at Lisbon, in the case of the *Flor de Campos*, was made public.

That vessel, a Brazilian, was taken, as is known to your Lordship, towards the close of the year 1846, with nearly 200 slaves on board, and condemned in the Prize Court by the unanimous sentence of all its members, as "having been found on the coast of the Portuguese dominions without papers, with a cargo of slaves, the same being an infraction of the Decrees of the 10th of December, 1836, and the 14th of September, 1844," and the slaves received letters of emancipation.

On the crew of the *Flor de Campos* being tried before the Juiz de

Direito, that judge acquitted the Brazilian and Spanish subjects forming part of the crew on the ground that the capture was made at sea beyond 3 miles (the distance was, in fact, upwards of 12) from the shore, and condemned 1 Portuguese sailor found on board, conformably to the 2nd Clause of Article XIX of the Decree of 1836, to 2 years of forced service on board ship.

This sentence was referred by appeal to the *Relação*, at Lisbon, whither the whole crew, with the exception of the master, who remained on bail at Loanda, were sent.

That tribunal, on the 15th of April last, with one dissentient voice, confirmed the sentence of the Juiz de Direito in this province, as regards the foreigners, declaring that the capture of the *Flor de Campos* was illegal, and reversed it as regards the Portuguese subject, asserting that the same principle applied equally in his case, and that the detention of the vessel being illegal, his apprehension was so likewise, nor could he be punished under the Decree of the 10th of December, 1836.

His Excellency the new Governor professes publicly his intention of treading in the steps of his predecessor, and that in an address to the inhabitants of the province of Angola, he assures them of his protection of all their "legitimate" interests; the only allusion, direct or indirect, which we have yet noticed as falling from him, bearing at all upon the slave question.

Speaking of the sentence of the tribunal at Lisbon, in the case of the *Flor de Campos*, his Excellency said the principle there laid down might require the restoration of the vessel, the surrender of the slaves found on board was at least absolutely out of all question, they had already been made free, and no power could replace them in a state of slavery.

GEORGE JACKSON.

EDMUND GABRIEL.

Viscount Palmerston, G.C.B.

No. 118.—*Viscount Palmerston to Her Majesty's Commissioners.*
(Extract.)

Foreign Office, December 11, 1848.

I HAVE received your despatch dated the 22nd of August last, in which you inform me that the Portuguese Government has recently addressed peremptory instructions to the squadron and to the Prize Court, in the province of Angola respectively, to the effect that no Portuguese cruizer is henceforward to visit or detain any foreign vessel with or without slaves on board, not actually within the range of cannon shot, or 3 miles from the shore, even though such vessel should have been first seen and chased within that distance; and that the Prize Court is prohibited from taking cognizance of any foreign vessel under such circumstances. These instructions, it appears, have been issued in consequence of remonstrances which have been made

by the Brazilian Government against the capture of Brazilian vessels by Portuguese cruizers.

I have to observe to you that I apprehend the course which the Portuguese Government is pursuing in regard to these matters is the only legal one which they could pursue, and that unless Portugal had a Treaty with Brazil giving mutual rights of search, Portuguese cruizers are not by the law of nations intitled to interfere with Brazilian slavers when beyond the 3 mile limit, which is the extent of territorial jurisdiction.

Her Majesty's Commissioners.

PALMERSTON.

No. 121.—*Her Majesty's Commissioner to Viscount Palmerston.*

(Received December 28.)

MY LORD,

Loanda, October 13, 1848.

A QUESTION having arisen on the recent change which has taken place, as well in this Government as in the command of the naval station, respecting the powers of the Curator with reference to liberated negroes who may have become soldiers or sailors in the regular land or sea forces of the State in whose territories they shall have been emancipated, the archives of the Board of Superintendence were consulted to ascertain precisely what occurred in the case of the 4 negroes captured on board a launch by Her Most Faithful Majesty's corvette *Relampago*, in 1845, and liberated by sentence of the Mixed British and Portuguese Commission of the 29th March of that year.

On search, however, being made, it appeared that at that time the office of Curator was held by another individual since dead, and no satisfactory account could be traced in the archives of the Board, of the proceedings had on that occasion, nor could the receipt of the Government for the negroes, which the last clause of Article XX of Annex C to the Treaty says, "shall be delivered to the Curator at the time of the enlistment," be anywhere found.

Under these circumstances, I considered it my duty to propose to the present Governor a special meeting of the Board, for the double purpose of giving full effect to the whole of the aforesaid Article XX, and of definitively instructing the Curator on the question which had been raised, namely, whether his inspection of liberated negroes, disposed of in conformity with that Article, ceased upon delivery to him of the specified receipt above referred to.

His Excellency very readily concurred with me in the propriety of this step; and, in inclosing, as I have the honour to do herewith, in original and translation, a copy of the minute of the Board of Superintendence, which was held on the 9th instant, I can only express my hope that the view I have taken of this point, in conjunction with the Portuguese member of the Board, will meet with your Lordship's approval.

The terms of the Articles bearing on this question do not seem to be very explicit, but combining the wording of Article XIX with that of Article XX, and with considerations of general expediency as resulting from military discipline, it seemed to me that the enlistment of the negro once completed, his own free will having been previously fully ascertained, and the Government having signed a registered receipt for the same, it was no longer competent or practicable for the Curator to examine and inspect periodically a negro so circumstanced.

I cannot conclude this statement without adding my individual testimony to the highly satisfactory state of the 4 negroes in question.

They speak readily the Portuguese language, are well fed and clothed, and their whole appearance bespeaks health, strength, and cleanliness.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE JACKSON.

(Inclosure.)—*Minute of the Board of Superintendence of Emancipated Negroes.*
(Translation.)

ON the 9th day of the month of October, in the year 1848, in this city of St. Paul de Loanda, and within the palace of residence of his Excellency the Governor-General of this province, the Board of Superintendence of Liberated Negroes established in the said city, in virtue of the stipulations of Annex C to the Treaty of the 3rd of July, 1842, concluded between Great Britain and Portugal, for the suspension of the Slave Trade, met in session in order to take cognizance of the 4 liberated negroes; João Francaniz, João Cartuxo, Catumba Antonio, and Francesco Quartolla, who had entered as sailors in the Portuguese navy, for the purpose of ascertaining their condition, and whether, of their own free will, they were now in that service; because, by the minutes of the Board it did not appear that this investigation had been proceeded with at the proper time, in conformity with what is prescribed in Article XX of the aforesaid Annex C, neither is there to be found the receipt which the Portuguese Government ought to have passed on the occasion of their being enlisted in the service of the Portuguese navy, as required by the Article referred to; and the said 4 negroes being present and having with them their respective letters of emancipation, and it appearing by their names and marks that they were the identical libertos, and on being asked whether, of their own free will, they wished to continue in that service, the nature of which they now were well acquainted with from the experience of between 3 and 4 years which had elapsed since the period of their being enlisted, they replied in the affirmative; on which the Board, taking into consideration that they, as sailors in the Portuguese navy, were in the enjoyment of the privileges and protection of the military laws, resolved, that according to the true

intent of Article XX, the inspection of the Curator of Liberated Negroes was, in their case, neither necessary nor practicable; on the same occasion, his Excellency the Governor-General declared that, to supply the want of the receipt, which is not to be found, nor does it appear (from the archives of the Board) to have been passed by the Portuguese Government, he was ready now to give a receipt for these libertos, in order, as far as possible, to fulfil the stipulations of Article XX.

And there being no other question before the Board, the session was closed, the present minute having been drawn up to preserve a record of these proceedings.

A. A. DA SILVEIRA PINTO.
GEO. JACKSON.

No. 122.—Viscount Palmerston to Her Majesty's Commissioners.

SIR,

Foreign Office, January 9, 1849.

I HAVE received your despatch of the 13th of October last, on the subject of the duties of the Curator of negroes emancipated by the Mixed Commission at Loanda under the Treaty of 1842, with respect to such among them as may enlist in the naval or military service of Portugal.

It is provided by Annex C to the Treaty, that negroes emancipated by the Mixed Commission and apprenticed either to private individuals or to the Colonial Government, shall reside within 20 miles of the seat of the Mixed Commission, and that all negroes so apprenticed shall be visited and inspected once at least in every 3 months by the Curator.

But permission for emancipated negroes to enlist being recorded in Article XX of Annex C to the Treaty, and their consequent liability to go whithersoever their military or naval duties may call them being admitted, it is clear that it was intended that the periodical inspection by the Curator should not apply to enlisted negroes when beyond the 20 mile limit. It is not so clear that it was not intended to apply to them when within that distance from the seat of the Mixed Commission. Nevertheless Her Majesty's Government are ready to admit that, even when such enlisted negroes are within that distance, it would be an improper interference with the Portuguese naval or military authorities for the Curator to insist on the production of such soldiers or sailors for inspection. So far, therefore, I approve of the view which you have taken of this matter, and of the rule laid down by the Board of Superintendence for such cases.

It appears, however, to have been foreseen that such enlisted negroes would be out of the jurisdiction of the Curator; for it is stipulated by Article XX of Annex C, in lieu apparently of the care of that officer, that the Board of Superintendence "shall take mea-

sures to insure that the full and permanent emancipation of such negroes should be secured to them, according to the true spirit of the regulations of Annex C.

This stipulation points clearly to measures different to those laid down for securing the well-being of negroes not enlisted, though the Article is silent as to the nature of such other measures. I abstain from offering any suggestions as to what those measures ought to be; but I have to desire that you will bring this matter again under the notice of your colleague in the Board of Superintendence, and that you will invite him to adopt, in concert with you, such measures as may effectually prevent any negroes emancipated by the Mixed Commission, and enlisted in the Portuguese service, from losing the benefit of the regulations laid down in Annex C for their welfare.

I approve of the decision taken by the Governor to give to the Curator a receipt for the 4 negroes emancipated in 1845 and enlisted in the naval service of Portugal, which formality appears to have been omitted at the time when they were enlisted; and I learn with pleasure that the 4 negroes in question are in the satisfactory condition reported by you.

I am, &c.

Her Majesty's Commissioners.

PALMERSTON.

CAPE VERDS.

No. 131.—Viscount Palmerston to Her Majesty's Commissioner and Arbitrator.

GENTLEMEN,

Foreign Office, January 16, 1849.

I THINK it right to inform you that a proposal is now under the consideration of Her Majesty's Government and of the Government of Portugal for abolishing the Mixed Commission of which you are members, and that this proposal will probably be carried into effect very shortly.

This measure has been mainly suggested by motives of economy, seeing that since the establishment of the Commission at the Cape Verds no case has yet been brought before it for adjudication, and there being ground for supposing that it is very improbable that any case will be brought before that Commission hereafter.

Due provision, however, will be made on the abolition of your Commission for the proper disposal of any slave-vessels and slaves that may hereafter at any time be captured, and which would otherwise have been brought before your Commission.

I am, &c.

Her Majesty's Commissioner and Arbitrator.

PALMERSTON.

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BRAZIL.

No. 1.—*Lord Howden to Viscount Palmerston.*—(*Received April 4.*)

MY LORD,

Rio de Janeiro, February 9, 1848.

I HAVE the honour to inform your Lordship that according to the best estimation I have been able to make, above 60,000 Africans have been imported as slaves into Brazil during the year 1847.

There is no doubt that this frightful number has been greatly occasioned by the concentration of the English naval force in the waters of the Plate; at the same time I learn that never have the slave-dealers so perfected all the appurtenances and appliances of their vile trade as at present; never have they so organized the whole range of shore signals from St. Katherine's to Bahia, nor established such facilities for landing their cargoes as now; and I am afraid I may add with perfect truth, that never was the toleration, not to say co-operation, of this Government more open than at the present moment.

It is a well-known fact here that a vessel belonging to this port made 5 voyages to the coast during the last year, and landed in safety all her cargoes; at a moderate calculation this single ship must have brought from 2,000 to 3,000 slaves.

I have &c.

Viscount Palmerston, G.C.B.

HOWDEN.

No. 3.—*Lord Howden to Viscount Palmerston.*—(*Received May 8.*)

MY LORD,

Rio de Janeiro, March 20, 1848.

I HAVE the honour to inclose to your Lordship a copy and translation of a note from the Minister for Foreign Affairs, detailing his reasons for not accepting the Slave Trade Treaty which I proposed. I also adjoin a copy of my answer.

As your Lordship forbade me to make any alteration in the draft of the Slave Trade Treaty as delivered, on receiving the counter-project I shall immediately transmit it to your Lordship, informing the Minister for Foreign Affairs that I cannot enter into any negotiation upon its substance.

I have, &c.

Viscount Palmerston, G.C.B.

HOWDEN.

(*Inclosure 1.*)—*Senhor P. Bueno to Lord Howden.*

(*Translation.*)

February 19, 1848.

THE Undersigned, Minister for Foreign Affairs, &c. has the honour to acknowledge the receipt of 2 notes addressed to him on the 8th and 9th instant, by Lord Howden, &c.

In the first, Lord Howden impugns the reasons produced by the Undersigned under date of the 7th, which prohibited the Imperial

Government's immediate acceptance, or simple rejection of the projects for Treaties which accompanied his communications of 18th and 21st of December last, and insisting on being furnished with a categorical reply thereto, he declares that unless he receives it before the 1st of March next, he will consider the said project to have been rejected.

In the second of the 9th, he refers to the conversation which passed between him and the President of the Council on that same day in the presence of the Undersigned, and in consequence of the explanation then given, that the Government of His Imperial Majesty could not accept the projects in their present state, but would with the least possible delay transmit 2 counter-projects, he states that if he should still be here, he will forward them to his Government, concluding, after divers considerations, that he will restrict himself, until ulterior orders from Her Britannic Majesty, to such communications as may be absolutely necessary towards the fulfilment of his duties. The Undersigned, with reference to the tenor of the said notes, will first briefly relate in due order the facts which have occurred, and will afterwards reply to the most important topics. Towards the latter end of December of last year Lord Howden offered the Project of Treaties to the Imperial Government, one of them in regard to commerce, and the other in regard to the trade in Africans. 30 and some odd days had scarcely elapsed when it pleased His Majesty the Emperor to appoint the Undersigned, on the 29th of January, to the situation of Minister and Secretary of State for Foreign Affairs.

On the 31st January, the Undersigned made the Diplomatic Corps acquainted with this Imperial resolution, and on the 1st February Lord Howden called for an immediate reply in reference to the acceptance or rejection of the Treaties which he had presented.

Without pretending to qualify what may be deemed remarkable in such a demand, the Undersigned believes that Lord Howden, on reconsideration of this fact will agree that the possibility of so prompt a solution was very premature. In the meantime his note was replied to on the 7th, with assurances that the Imperial Government continues to bestow its serious attention to such important subjects; and that though desirous to come to an early decision thereon, it would not do so without taking such time and steps as might be required in order to maturely ascertain that which was most suitable to the interests of the empire.

On the following day Lord Howden dated his note in reply to the preceding urging for a reply in regard to the simple acceptance or refusal of the Treaties such as they were drawn up; and on the 9th, before time being allowed for a reply he expressed in a conversation with the President of the Council, in the presence of the Undersigned, that his wish was limited to the desire of being informed whether the

said projects were or were not accepted in the precise terms in which they were conceived, and without any modification whatever, adding that in regard to the traffic in slaves he could not admit of the slightest alteration.

Lord Howden's demand being then precisely understood, he was told that the Imperial Government, although resolved to treat, could not accept the said projects without alterations, and therefore that it was its intention to frame 2 counter-projects for the purpose of entering into negotiations.

To this declaration Lord Howden replied that he would lay them before his Government, understanding at the same time that those presented by him were rejected, which he transferred to writing in his note of that same date, the 9th, only delivered on the following day.

Such is the order of facts, the simple exposition whereof will certainly convince the Government of Her Britannic Majesty that the Imperial Government has proceeded not only within the indisputable circle of right, but also is animated by the sincere desire to maintain the best relations between the 2 Governments.

It is certainly evident that it was not possible for the Undersigned to transmit the categorical answer called for during the first few days of his entrance into the Administration. Although Lord Howden presents in opposition, that notwithstanding his recent entrance into the Administration, the Undersigned became a member of a Cabinet which for a length of time was acquainted with the said project, still there cannot exist a doubt that the last assertion, were it even correct, would not be sufficiently peremptory to inhibit the Undersigned from exercising his judgment on a subject of such magnitude which is committed to his guidance as Minister for Foreign Affairs.

It is equally evident that there was no intention, nor does any exist, to delay the expression of the opinion of the Imperial Government, and a proof thereof rests in the fact of the declaration made to him on the 9th, which the Undersigned ratifies as soon as Lord Howden's wish was perfectly understood; and it became manifest that he considered the substitution of the tendered projects as a rejection of them. The Undersigned will be very explicit in his exposition of the opinion of the Imperial Government in regard to the project relative to the traffic in Africans.

The Imperial Government does not object, nor did it ever object, to enter into negotiations on this subject, as shown by official documents of irrefragable proof. Without remounting to anterior dates, the Undersigned will submit that even on the days of the recent sanction of the Bill of 8th August, 1845, which seriously and directly jeopardises the independence and sovereignty of Brazil, one of his predecessors in office, whilst solemnly protesting against that violent

and unjustifiable act, declared in the name and by the order of His Majesty the Emperor, that nevertheless the Imperial Government, giving precedency above all other considerations to the generous sentiments by which it was actuated, was very desirous that the Government of Her Britannic Majesty should accede to an agreement which, in respecting the interests of the lawful trade of Brazilian subjects, should accomplish the desired object of putting a stop to that traffic, which it deplores and condemns.

The said Minister, a faithful organ of the Imperial Government, immediately after that framed the basis of a project which tended towards that double purpose, which was communicated to Lord Aberdeen, and subsequently was transmitted to Lord Palmerston, and the Brazilian Government is not the cause of its not having produced the desired effect.

It is a fact that, until the present day, we have not been able to come to an agreement, but impartial reason, if it were consulted, will repeat that which the said predecessor of the Undersigned has already submitted for consideration. The obstacle which has presented itself to the conclusion of a just, prescient, and spontaneous Treaty, has been the alternative in which the Imperial Government has been placed, either of refusing, or of being compelled to subscribe to the complete ruin of the lawful commerce of its subjects; an alternative which could have no other result than a negative on the part of the Imperial Government, as the natural protector of and watcher over the interests of the Empire.

The project actually presented by Lord Howden contains stipulations still more inadmissible. In establishing that the right of visit, search, and detention will not be exercised in the Mediterranean and European Seas, it subjects thereto all the coasting trade of Brazil, it institutes, as sufficient reason for trial and condemnation, suspicions framed even on the most groundless foundations, and refuses compensation even in cases where condemnation is not the result.

A rapid perusal of the 7th Article of the above-mentioned project and of its paragraphs demonstrates this truth; therein it is declared that any one probable evidence of those alluded to will constitute a proof *primâ facie* that the vessels are effectively employed in the traffic; not even the coasts of Brazil themselves would be respected. In vain would its subjects attempt to enter into any lawful undertaking without being liable to serious vexations; even European colonization, which the country stands so much in need of, would become impossible. With such capital defects, as viewed by the Brazilian Government, Lord Howden requires that his project be purely and simply accepted or rejected, without the possibility of the least modification, and goes so far as to declare that any alteration would render it impracticable as a substitute for the now existing

state of things, such a fact would amount to the same as an exchange of the bill; against the protest of the Brazilian Government for a substitute, which, for the reasons given, it cannot subscribe to without attacking the rights of Brazil as a Contracting Party and as a free and independent nation. Lord Howden, whilst he cannot but be satisfied of the right which every supreme Government has to accept or to reject a Treaty according to its own judgment or conviction in regard to the legitimate convenience and interests of its country, contradicts his confession by complaining of slow proceedings, incompatible with diplomatic usages, and by the threat of impending collision and others which the Undersigned will further on record.

The march of the Imperial Government has been more just and undeviating. It attempted at sundry periods to negotiate with the Government of Her Britannic Majesty, and, although unsuccessful, it respected its conviction and rights. The Undersigned may also make the same observation in reference to the range of Lord Howden's expression, when he says that his Government prefers the unjust Bill of 1845 to the co-operation of the Imperial Government: propositions of this nature are certainly not conducive towards harmonizing relations between the 2 countries.

In regard to the Commercial Convention, although it may depend upon the withdrawing of the above-mentioned Bill, the Imperial Government has under consideration the project offered by Lord Howden, and will make those alterations consonant with the liberal principles it has adopted in its mercantile relations, and will in that negotiation comprehend matters of mutual and deep interest which ought not to remain pending in order that they may not be the origin of future misunderstandings. Meanwhile the Government of Her Britannic Majesty cannot disavow that the note which the Undersigned addressed to Lord Howden under date of 10th instant in the name and by order of the Imperial Government, attests, without the least contradiction, that the politics of Brazil do not swerve from the principles laid down in the Decree of 1st October last, nor from the means for removing the difficulties now subsisting between the 2 countries.

The sentiment, therefore, of the Imperial Government is to treat with the Government of Her Britannic Majesty as soon as it shall have framed the 2 counter-projects which are to substitute those offered by Lord Howden, they shall be communicated to him, and the Undersigned hopes that justice will then be done to the sincere wishes of the Imperial Government.

From what precedes, it is concluded that there is no pure nor simple rejection on the part of the Brazilian Government, that the only impediments which obstruct the negotiations are the Bill which attacks the sovereignty and independence of the Empire, the nature

of the stipulations proposed, and the extraordinary and inadmissible manner in which the concurrence of the Imperial Government is demanded. It is necessary that reciprocal rights should be contemplated, that mutual interests be conciliated, and that recourse to threats be renounced, this being, without doubt, the worst of all means for smoothing difficulties.

Lord Howden says that these difficulties, which it is certainly necessary to remove, have been occasioned by Brazil, in consequence of her conduct in reference to the remonstrances of the British Government and to the treatment of its subjects. The Undersigned, wishing to avoid all irritating expressions, will limit himself to a few observations.

If the British Legation has a few claims pending it is beyond a doubt that many others have been decided, and that those still pending have been discussed, and are in train of settlement; whereas, on the contrary, many claims of the Imperial Legation in London have not only never been discussed, but are unregarded; the argument, therefore, as to the inconvenience will, with greater justice, affect the British Government.

Similar to this is the other imputation. The Undersigned must certainly believe that Lord Howden is misinformed in regard to the treatment of the subjects of Her Britannic Majesty in this empire. They enjoy in Brazil the most ample liberty in common with all other foreigners, not because the Imperial Government measures the force and extent of power of the respective Governments, but because it is the nature of her politics, and the effect of the liberal institutions of Brazil. It is Brazilian subjects who have been sacrificed, violently dragged from imperial protection, and subjected to strange tribunals and laws.

It being, however, expedient to waive the discussion of this and of other disagreeable subjects, the Undersigned cannot withal omit to repel the insinuation manifested by Lord Howden, and which has already been manifested by one of his predecessors, that in the absence of Conventions with the Imperial Government he will come to an understanding with the Governments of the provinces where subjects of his nation consider themselves injured by their laws and call upon them for explanations and indemnifications.

Whatever may be the sentiments of the Imperial Government as to the propriety of some of the acts of the provincial assemblies, it is beyond doubt that no Government can pretend to decide the difficulties that they may create. By the Constitution of the Empire, CHInd Article, 7th paragraph, the Imperial Government is the only one competent to treat with foreign nations, and is sufficiently enlightened and provident not to tolerate such a fact incompatible with all ideas of order and international duties, and on the other hand the

provincial Governments are too faithful to their Sovereign to lend themselves to such illegitimate expedients. The Imperial Government trusts that the Government of Her Britannic Majesty will always respect, in regard to Brazil, the same principles it has respected in regard to other nations in similar cases.

Acquainted with Lord Howden's resolution to limit his communications entirely to the fulfilment of his duties, until further orders from his Government the Undersigned will make the observation that he is firmly persuaded no motive has been given to Lord Howden, on which he can, with justice, found the least cause of resentment.

The Undersigned, &c.

Lord Howden.

JOSE ANTONIO PIMENTA BUENO.

(Inclosure 2.)—*Lord Howden to Senhor P. Bueno.*

Rio de Janeiro, February 23, 1848.

THE Undersigned, &c. has the honour to acknowledge the note which his Excellency Senhor Pimenta Bueno, &c. addressed to him, dated the 19th February, 1848.

As his Excellency the Minister for Foreign Affairs states the impossibility of concluding a Treaty for the repression of the traffic in slaves in the practical form proposed by the Government of the Queen, and as the conclusion of a Commercial Treaty has been made by the Brazilian Cabinet to depend on the other contingency, the Undersigned will confine his answer to the arguments of his Excellency the Minister for Foreign Affairs to simply informing him that yesterday morning a Brazilian steam-vessel landed 900 Africans just outside the harbour, within a few miles of the fort of Santa Cruz, and within view of the forts of San João and Praia Vermelha. The above fact embraces *in extenso* all the objections of the Brazilian Government to conclude an efficient Slave Trade Treaty, and concisely explains, at the same time, the desire of the Government of the Queen that such a Treaty should be concluded in consonance with the declaration made by Brazil in Article I of the Treaty of 1826.

The Undersigned, &c.

Senhor P. Bueno.

HOWDEN.

No. 7.—*Lord Howden to Viscount Palmerston.*—(Received May 8.)
(Extract.)

Rio de Janeiro, March 20, 1848.

AN intended rising of blacks at a place called Pellotas, near the town of San Pedro do Sul, in the province of Rio Grande do Sul, has been discovered and prevented.

The slaves implicated in this plot are exclusively natives of Mina, and come from the north of the Line, to the east of Cape Coast. This race is the same that prepared the nearly successful insurrection of Bahia in 1835, and the slaves belonging to it are entirely and most

remarkably different from all other Africans in Brazil, both physically and intellectually. These Mina slaves all speak the same language, have organized societies, and elected chiefs, wherever they meet in any numbers, are remarkable for their habits of order, their serious and dignified deportment, their economy, their prevision, and their sullen courage; and they are corporally the finest specimens of the human race I ever saw. It is said that the inhabitants of the province of Rio de Janeiro, afraid of the slumbering energies of such men, buy them unwillingly; and, in fact, but comparatively few of this easily distinguished race are to be seen in the capital. I have no doubt but this is the people charged by Providence with the dreadful and inevitable retribution of Africa.

Viscount Palmerston, G.C.B.

HOWDEN.

No. 8.—Lord Howden to Viscount Palmerston.—(Received May 8.)

MY LORD,

Rio de Janeiro, March 20, 1848.

THE existence of no less than 3 depôts and marts for imported Africans within the port of Rio de Janeiro and in the immediate vicinity of the town, is a notorious fact. The permission lately given by a Minister of the Crown to a slaver to leave this port at night, contrary to regulation (which the Brazilian newspapers stated and applauded with pride), will give your Lordship the measure of the connivance of this Government.

There is not a slave-dealer that comes periodically from the provinces of the interior, who does not know where to go to lay his hand immediately on any number of slaves he may require.

These 3 depôts are,—one at the Saco de Jurujuba, nearly opposite my house, one at the corner of the Ponta d'Anea, and one at the Ponta de Caju, opposite the Ilha do Governador.

The principal importers of captive Africans (as they are mildly called here) are Manoel Pinto de Fonseca, and the next, but with a long interval, José Bernardino de Sá, Tomas da Costa Ramos, Francisco Ravinoso y Urguelles, José Antonio de Miranda e Silva, José Antonio Fernandez Lima, Amaral e Bastos, Barboza e Castro.

Many of the above are decorated with the orders both of Portugal and Brazil, and the family alliance of the first on the list was easily sought, for the individual who has this day been named Prime Minister of this country.

I have, &c.

Viscount Palmerston, G.C.B.

HOWDEN.

No. 13.—Mr. Hudson to Viscount Palmerston.—(Received July 8.)

MY LORD,

Rio de Janeiro, May 23, 1848.

WITH reference to your Lordship's despatch of the 31st of last March, inclosing lists of Brazilian vessels engaged in Slave Trade

which have been captured by Her Majesty's cruizers and condemned by the British Courts of Vice-Admiralty, I have the honour to transmit herewith to your Lordship the copy of a note which I have addressed to the Brazilian Minister for Foreign Affairs, in obedience to your Lordship's instructions.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

(Inclosure.)—Mr. Hudson to Senhor D'Abreu.

Rio de Janeiro, May 17, 1848.

THE Undersigned, &c. has the honour to transmit to his Excellency Senhor Limpo d'Abreu, &c. a list of Brazilian vessels engaged in the Slave Trade, which have been captured by the cruizers of the Queen between the period extending from the 8th of August, 1845, to the 31st of December, 1847, and condemned by the British Courts of Vice-Admiralty under the Act of the Imperial Parliament of Great Britain, of the 8th of August, 1845.

It will be seen that this list comprises no less than 79 vessels, of which 71 were condemned for being equipped for the Slave Trade and 8 for having slaves actually on board, the number of which amounted in the aggregate to 2,940: and the Government of the Queen in instructing the Undersigned to present this list to the Imperial Government, order the Undersigned to represent to them that Her Majesty's Government cannot imagine that Slave Trade undertakings so extensive as those of which these captures are a proof, could be engaged in by the subjects of the Emperor, if the Brazilian Government had used any endeavours to fulfil the Treaty engagements by which the Crown of Brazil has bound itself to the Crown of Great Britain to prevent Brazilian subjects from being in any way concerned in the Slave Trade.

The Undersigned is also instructed to say that, although the above-mentioned list affords positive proof of extensive Slave Trade undertakings engaged in by Brazilian subjects, there is good reason to assume that the greater part, if not the whole, of the vessels mentioned in the other list, No. 2 (a copy of which is herewith inclosed), were employed in the Slave Trade of Brazil.

These vessels were captured for being engaged in the Slave Trade, and were condemned on that charge by the Vice-Amiralty Courts as having no nationality. But there is good reason to suppose that the slaves whom they were to ship were destined for Brazil, because the Cuba Slave Trade has latterly been almost entirely suppressed, and because no other Transatlantic State except Brazil carries on this criminal traffic.

The Undersigned, &c.

Senhor D'Abreu.

JAMES HUDSON.

No. 18.—*Viscount Palmerston to Mr. Hudson.*

SIR,

Foreign Office, August 28, 1848.

THE attention of Her Majesty's Government has been called to the fact that several witnesses examined before the Committee of the House of Commons on Slave Trade which has been sitting during the present session, have expressed an opinion that nothing would so much tend to the suppression of the Slave Trade as the infliction of severe punishment on the persons found engaged in that traffic.

The transportation of slaves from Africa to America is now, as you are aware, almost entirely directed to the coast of Brazil; and Her Majesty's Government are of opinion, that if the masters and crews of vessels engaged in the transport of slaves to that country could be brought to trial and adequately punished, a severe blow would thereby be given to the traffic.

You are aware that the Statute of the 8th and 9th Victoria, cap. 122, by which the British Legislature authorized Her Majesty's cruizers to capture Brazilian vessels found on the high seas engaged in Slave Trade, and empowered the High Court of Admiralty and all Courts of Vice-Admiralty to adjudicate upon Brazilian vessels captured by Her Majesty's cruizers, or being engaged in Slave Trade, did not give power to any British court of law to inflict punishment on the master, seamen, or other persons found on board such captured vessels.

Her Majesty's Government are of opinion that Parliament would be fully justified, under the stipulations of Article I of the Convention of the 26th of November, 1826, with Brazil, for the suppression of the Slave Trade, in enacting a law by which Brazilian subjects taken in the fact of Slave Trade should be rendered liable to be tried and to be sentenced to punishment by British courts of law.

But before resorting to this step, Her Majesty's Government are desirous of making a final attempt to put to the test the sincerity of the Brazilian Government in their professed desire to fulfil the engagements of the Treaty of 1826. For if the Government of Brazil would rigidly enforce the Brazilian Laws of 1831 and 1832 against slave-traders, Her Majesty's Government would be relieved from the necessity of adopting measures likely to prove unpalatable to the Brazilian Government.

Accordingly, Her Majesty's Government intend to try the experiment of sending to Rio Janeiro, accompanied by proper witnesses, the master and crew of some Brazilian slave-vessel captured with slaves on board, in order that such offenders may be delivered up to the Brazilian authorities to be tried by a Brazilian court of law.

But before issuing the necessary instructions for this purpose, I have to desire that you will take this subject into your consideration, and that you will report to me your opinion as to the best manner of

carrying the project into effect; and further, that you will state to me the propable time which it would take to bring such persons to trial after their arrival at Rio de Janeiro. I am, &c.

James Hudson, Esq.

PALMERSTON.

No. 19.—M. Lisboa to Viscount Palmerston.—(Received Sept. 5.)

Légation du Brésil, le 4 Septembre, 1848.

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Brésil, en déplorant profondément l'état anormal où se trouvent les relations du Brésil et de la Grande Bretagne, depuis la promulgation de la Loi du 8 Août, 1845,* mais animé par la nature conciliatrice des rapports qu'il a eu immédiatement après avec le Foreign Office (ainsi que par l'espoir que la mission subséquente de Lord Howden mit un terme prochain à un si fâcheux état de choses), s'est fait une règle de ne pas entraver la marche d'un dénouement si ardemment désiré par le Gouvernement de Sa Majesté Impériale.

Dans ce but, et pour ne pas aigrir et irriter les esprits, au lieu de les calmer et de les apaiser, le Soussigné s'est même abstenu d'adresser à son Excellence le Très Honorable Lord Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, de fréquentes doléances officielles qui auraient pu le dévier de la ligne de conduite qu'il s'était tracée, attendu qu'il ne lui eût pas toujours été facile d'en régler les termes avec la mesure et le sang froid désirables.

Les captures et les condamnations de navires Brésiliens qui ont suivi la promulgation de la susdite loi du 8 Août, 1845, n'étant d'ailleurs, aux yeux du Gouvernement Impérial, que des fruits odieux de la force et de la violence, le Soussigné pourrait, à la rigueur, se dispenser de répéter, à l'occasion de chaque condamnation, qu'il a, à ce sujet. et en tems opportun, intimé au Gouvernement de Sa Majesté Britannique, qui lui en a donné acte, une protestation solennelle qu'au nom de l'Empereur le Gouvernement de Sa Majesté Impériale a depuis ratifiée et confirmée de la manière la plus formelle.

Cependant, il est une limite à tout ménagement, et en présence de la modification qu'évidemment ont subie les circonstances dont il vient d'être question plus haut, le Soussigné ne peut, sans faillir à son devoir, conserver plus long tems l'attitude expectante à laquelle il s'était condamné. Il vient donc rompre un silence qu'il lui a été parfois pénible de garder, mais, sans fouiller dans un passé qui renferme des griefs multipliés d'une grave nature, et dont son Gouvernement se réserve de demander la réparation quand il lui paraîtra le plus opportun, le Soussigné n'aura l'honneur d'entretenir aujourd'hui Lord Palmerston que de quelques procédés récents qui ont

eu lieu à Bahia lors du séjour qu'y a fait un navire Brésilien capturé par un croiseur Anglais.

Vers la fin d'Avril dernier, le bâtiment Brésilien *Bella Miguelina* est entré à Bahia, ayant été capturé par le brick de Sa Majesté Britannique *Grecian*, avec 517 noirs à son bord.

La crainte d'une épidémie, qui paraissait alors imminente sur la *Bella Miguelina*, fit désirer, en premier lieu, le départ immédiat de ce navire; mais son Excellence le Président de la Province de Bahia changea bientôt d'avis et le notifia officiellement au Consul Anglais.

En attendant, la *Bella Miguelina* ayant été abordée par des canots armés—des malheurs déplorables ayant eu lieu dans le conflit—le Président et les autorités subalternes prirent des mesures efficaces pour éviter de nouveaux attentats et firent procéder contre les auteurs du premier, en conformité des lois.

Les plus zélés exécuteurs de la loi Anglaise du 8 Août, 1845, ne sauraient assurément prétendre que les clauses en soient obligatoires pour les sujets de l'Empereur. La *Bella Miguelina* était cependant criminelle d'après les propres lois Brésiliennes, quoique indûment capturé par un navire de guerre Anglais, à qui le Brésil ne reconnaît pas qualité à ce suffisante et légale.

La conséquence naturelle était donc que l'autorité Brésilienne en réclamât la remise au capteur, qui se trouvait dans les limites territoriales de l'Empire, pour la faire juger par qui de droit; cette demande fut éludée, et le Consul répondit au Président que la *Bella Miguelina* et le *Grecian* étaient déjà partis.

En présence de ce qui précède et des circonstances que le Soussigné vient d'énumérer, son Gouvernement pense qu'il y a eu de la part du Capitaine du brick *Grecian*, violation flagrante des lois qui établissent la souveraineté, la juridiction des nations libres et indépendantes dans les limites de leurs territoires respectifs; et le Soussigné est chargé de confirmer auprès de Lord Palmerston, comme il confirme par la présente, la protestation qu'a faite à cet égard son Excellence le Président de Bahia, en s'y adressant au Consul de Sa Majesté Britannique.

Mais en donnant même la latitude la plus élastique aux clauses de la Loi du 8 Août, 1845, le Soussigné cherche en vain à s'expliquer un second fait qu'il a l'ordre de soumettre à Lord Palmerston, à la charge du Capitaine du brick *Grecian*.

Un esclave noir, le nommé João Freeman, appartenant à un sujet Brésilien, s'évade de chez son maître et se présente à bord du *Grecian* en se disant Anglais; et cette simple assertion, sans la moindre preuve à l'appui, suffit pour que ce noir y soit comme tel admis, reçu, et gardé.

Le Président de la province, dans un esprit évident d'équité et de

bienveillance, a proposé qu'on gardât le noir en lieu de sûreté, afin de faire bonne justice, soit en sa faveur, soit en faveur du maître—celui-ci pouvant justifier de ce titre, mais il paraît que le Capitaine du *Grecian* a une jurisprudence sommaire; à lui, en vertu de laquelle il s'arroe le droit de s'ériger en juge de la nationalité d'autrui, et de substituer son caprice aux formalités consacrées par la législation des pays où il se trouve. Le noir réclamé a quitté le Brésil à bord du *Grecian*.

En réclamant une satisfaction proportionnée à la gravité de cette offense, et de cette inconcevable déviation de toutes les règles établies pour l'administration de la justice dans tous les pays civilisés, le Gouvernement Impérial demande, en outre, que le noir João Freeman retourne à Bahia et y soit délivré à l'autorité compétente pour les fins ci-dessus indiquées.

Le Gouvernement de Sa Majesté Impériale aime aussi à croire que les procédés du Capitaine du *Grecian*, dont le Soussigné porte plainte en ce moment, ne seront pas sanctionnés par Lord Palmerston, mais qu'au contraire prompte et suffisante réparation en sera faite, et que le Gouvernement de Sa Majesté Britannique adoptera les mesures convenables pour en éviter la répétition à l'avenir.

Le Soussigné, &c.

S.E. Le Vicomte Palmerston, G.C.B.

MARQUES LISBOA.

No. 20.—*Mr. Hudson to Viscount Palmerston.*—(Received Sept. 2.)

MY LORD,

Rio de Janeiro, July 6, 1848.

I HAVE the honour to inclose herewith the copy of a note which, in obedience to the instructions contained in your Lordship's despatch of the 31st of March, 1847, I have addressed to the Brazilian Minister for Foreign Affairs, upon the condition of the negroes emancipated by order of the Mixed Commission Court at Rio de Janeiro.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

(Inclosure.)—*Mr. Hudson to Senhor de Souza Franco.*

Rio de Janeiro, June 26, 1848.

THE Undersigned, &c. is instructed by his Government to state to his Excellency Senhor Bernardo de Souza Franco, &c. that they have had under their consideration a despatch addressed to them by Lord Howden, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at this Court, inclosing the copy of a note addressed to him by Senhor Saturnio de Souza e Oliveira, late Imperial Secretary of State for Foreign Affairs, which note is dated the 16th of November last, respecting the condition of the Negroes emancipated by the Mixed Commission at Rio de Janeiro and delivered over to

the Brazilian Government, to be employed as servants or free labourers.

And the Undersigned is ordered to say to his Excellency Senhor Bernardo de Souza Franco, that Her Majesty's Government have seen with pleasure the expressions contained in the communication of Senhor Saturnio to Lord Howden, of a desire on the part of the Imperial Government to provide for the good treatment of these emancipated negroes.

But Her Majesty's Government observe with regret that this communication is wholly silent as to the detailed arrangements which have been established for carrying these benevolent intentions into effect.

Her Majesty's Government would therefore be glad to know what is the present number of these emancipated negroes? where they now are? and how they are employed? and especially what arrangements had been made for giving them moral and industrial instruction, according to the engagements contained in the Treaty under the provisions of which they were captured? and as the greatest portion of the negroes so captured and decreed by the Mixed Commission, to be free, must by this time have been for several years in Brazil, and have become entitled to their entire and unrestricted freedom, Her Majesty's Government would wish to have a list of those who have been placed in the full enjoyment of their liberty.

The Undersigned, &c.

Senhor de Souza Franco.

JAMES HUDSON.

No. 22.—Viscount Palmerston to M. Lisboa.

Foreign Office, September 18, 1848.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note, addressed to him on the 4th instant by M. Lisboa, &c. in which, after expressing his regret at the state in which the relations between Great Britain and Brazil have existed since the promulgation of the Law of 1845, which authorizes British cruizers to capture Brazilian vessels found engaged in Slave Trade, and after stating that his Government look upon all the captures and condemnations of Brazilian vessels made under the authority of that law, in the light of the odious fruits of force and violence, M. Lisboa proceeds to bring under the notice of Her Majesty's Government the case of the *Bella Miguelina*, a Brazilian slaver, which was captured with 517 slaves on board, by Her Majesty's ship *Grecian*, and whilst under the charge of an officer and prize crew from that vessel, was obliged to put into Bahia, being in want of provisions and water. M. Lisboa complains of the conduct of the commander of the *Grecian* in refusing to give up the prize to the authorities of Bahia, when called upon by them to do so, as being a flagrant violation of the laws which establish

the jurisdiction and sovereignty of free and independent nations within the limits of their respective territories.

M. Lisboa also calls the attention of Her Majesty's Government to the conduct of the commander of the *Grecian*, in receiving on board that vessel, and carrying away from Brazil, a negro named John Freeman, who presented himself on board the *Grecian* as a British subject, and claimed protection as such, and M. Lisboa demands that this negro be sent back to Bahia, and there delivered to the competent authorities, for the purpose of ascertaining his nationality, in order that, according to the result, he may be restored to his former master or to freedom; and M. Lisboa concludes by expressing the hope of the Government of Brazil, that the conduct of the commander of the *Grecian* in both these matters will not be sanctioned by Her Majesty's Government, but that, on the contrary, prompt and sufficient reparation will be made for it, and that Her Majesty's Government, will adopt suitable measures for preventing the recurrence of similar conduct in future.

The Undersigned, in reply, has the honour to state, that none can regret more sincerely than do Her Majesty's Government, the present unfortunate state of the relations between the Government of Brazil and the Government of Great Britain, and Her Majesty's Government regret the state of things the more, because as it has arisen entirely from the conduct pursued by the Government of Brazil, and from its long-continued, flagrant, and undisguised violation of the Treaty engagements of Brazil towards Great Britain, Her Majesty's Government are unable by any act of theirs, or by any change in the policy of Great Britain, to apply a remedy to those evils.

The Crown of Brazil engaged by the Treaty of 1826, that after March, 1830, it should not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the Slave Trade under any pretext or in any manner whatever; and that the carrying on of such trade after that period by any person, subject of His Imperial Majesty, should be deemed and treated as piracy.

Such is the still subsisting engagement of the crown of Brazil; but from the day when that Treaty was signed down to the present time, that engagement has never been executed, but has, on the contrary, been wholly and entirely neglected and disregarded; nay, it has been so systematically and positively violated, that the subjects of His Imperial Majesty who are openly and publicly known to be engaged, not merely indirectly but directly and avowedly, in this stealing, selling, and buying of the flesh and blood of man, so far from being treated as pirates, are received and treated as personal friends and honoured guests by the men in power and authority in Brazil, whose duty it has been to carry into execution the Treaty

engagements of their Sovereign : and the consequence is, that instead of the Brazilian Slave Trade having been long ago put an end to, in conformity with the solemn obligations of the Crown of Brazil, the number of African negroes yearly imported into the Brazilian territory in order there to be sold and bought and worked out as slaves, is supposed to range from 40,000 to 60,000.

In this state of things the Undersigned cannot refrain from expressing some surprise that the Chevalier de Lisboa should, on the part of his Government, voluntarily bring these matters into discussion. But as M. Lisboa has thought fit to do so it has been impossible for the Undersigned to avoid reminding him, and through him the Brazilian Government, of the long-continued violation of the Treaty engagements of the Crown of Brazil in regard to these matters.

With respect to the particular cases to which M. Lisboa refers, the Undersigned begs to say, that the *Bella Miguelina* was captured under the Act of 1845, which was passed by the British Parliament in consequence of the omission of the Government of Brazil to make good its engagements. That Act, indeed, was imperfect for its purpose, inasmuch as it applies only to the ships which may be found engaged in Slave Trade, and does not provide suitable punishment for the pirates who may be found on board of those ships, but such as the law is, it must of course be acted upon, and the naval officers commanding Her Majesty's ships of war are bound to obey its enactments, and to execute the instructions which in pursuance thereof they may receive from the Admiralty. It is enough, therefore, with regard to the conduct of the officer commanding the *Grecian*, to say, that if he had delivered up the *Bella Miguelina* to any Brazilian authority, he would have been guilty of a breach of duty, and that it was incumbent upon him to carry her to a British Court of Admiralty, to be there dealt with according to the law ; this course, in this respect, has therefore been entirely approved by Her Majesty's Government. Her Majesty's Government might indeed complain of the hostile attack and unfriendly treatment experienced in the port of Bahia by the officers and prize crew who were in charge of the *Bella Miguelina*, but the assailants sustained on the spot from the British crew, a punishment which will probably deter others from attempting a similar outrage on a similar occasion ; and Her Majesty's Government trust that the Government of Brazil, mindful of its Treaty engagements, will give the proper and necessary orders that, on any future occasion, British officers and men who may enter a Brazilian port while employed in carrying into effect the mutual engagements of the 2 crowns, shall be received and treated with that courtesy and hospitality to which they will be so justly entitled.

With regard to the case of the British subject who claimed refuge and protection on board the *Grecian*, it appears to the Undersigned that the captain of the *Grecian* was perfectly right in receiving him, and that he would not have been justified in refusing to do so. The Undersigned has in the first place to observe that it is presumable that according to the law of Brazil of the 7th November, 1831, there can be very few negroes now in existence in Brazil, who are not legally entitled to their freedom; for by that law, all negroes landed after its date were declared to be *ipso facto* free; and as the life of a slave is understood, seldom to exceed 15 years after the beginning of his slavery, it is next to impossible that there should be now living in Brazil any considerable number of negro slaves who were in existence as such in Brazil, at the time of the promulgation of that law; and it is only, therefore, the small number of negroes in Brazil, who may have been born there, who are now legally held in slavery. It would appear, therefore, *primâ facie*, that the negro in question who sought refuge on board the British vessel, was, in all probability, legally free, and not justly subject to be held in bondage, or to be restrained in his liberty by any person whatever. But at all events, no person in Brazil could be entitled to hold in slavery a British subject, and any officer in Her Majesty's service will at all times be doing nothing more than his duty, by receiving and protecting, in any part of the world, any British subject whom the subject of any other country shall have presumed to hold in bondage; and so far are Her Majesty's Government from thinking that the Government of Brazil, or any person living in Brazil, can be entitled to make any claim on this score against Her Majesty's Government or the captain of the *Grecian*, that if they could entertain the slightest hope that the Brazilian courts would do justice in a case of this kind, they would take the necessary steps for causing proceedings to be instituted against the person who had held in slavery the British subject in question.

I am, &c.

M. Lisboa.

PALMERSTON.

No. 24.—M. Lisboa to Viscount Palmerston.—(Received Oct. 4.)

Legation Impériale du Brésil, le 3 Octobre, 1848.

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Brésil, a eu l'honneur de recevoir la note qu'en réponse à la sienne du 4 Septembre dernier, lui a été adressée le 18 du même mois par son Excellence le Très Honorable Lord Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, relativement à la situation générale des rapports actuels des Gouvernements de leurs dites Majestés, et plus particulièrement au sujet de la capture du navire Brésilien *Bella Miguelina*, ainsi que des circonstances aggra-

vantes auxquelles a donné lieu le séjour de ce bâtiment dans le port de Bahia.

Le Soussigné est plus peiné que surpris de voir que Lord Palmerston ne maintient la capture de la *Bella Miguelina*, et le refus de la remettre, pour jugement, aux autorités locales, qu'en s'appuyant sur la Loi de 1845, contre laquelle le Brésil a protesté de la manière la plus formelle avant et après sa promulgation. A ce sujet le Soussigné se bornera à avouer qu'il ne comprend nullement comment une loi spéciale de l'Angleterre peut mettre au néant les droits et les prérogatives qui constituent l'indépendance et la souveraineté d'une nation amie dans les limites de son territoire et de sa juridiction.

La justification des procédés exorbitants qu'on a eus envers l'esclave John Freeman, au mépris des allégations qui précèdent, et parceque, dit-on, il pourrait bien, primâ facie, paraître libre au capitaine d'un navire étranger mouillé dans le port d'un pays où l'esclavage n'a pas été aboli;—une telle justification ne semble pas assez sérieuse et concluante pour que le Soussigné revienne sur l'argumentation contraire de sa première note.

Il se croit dispensé également de s'arrêter sur la tirade relative à l'hypothèse figurée d'un sujet Britannique retenu en esclavage au Brésil, et des démarches auxquelles le Gouvernement de Sa Majesté la Reine aurait actuellement recours "if they could entertain the slightest hope that the Brazilian courts would do justice in a case of this kind." Le Soussigné répète qu'il se croit dispensé d'insister sur ce passage: il ajoutera qu'il s'en félicite—la forme n'en étant pas plus heureuse que le fond, ainsi que le prouve du reste l'aménité de la citation ci-dessus.

En remplissant les ordres de sa Cour, le Soussigné a dû rompre le silence et demander réparation des griefs sérieux qu'il a énumérés; il obéit aux mêmes injonctions en protestant formellement, comme il proteste par la présente, contre le déni de justice que Lord Palmerston vient de notifier au Soussigné par la note à laquelle il a l'honneur de répondre.

La tâche du Soussigné serait à présent terminée si son Excellence n'avait pas jugé convenable de faire précéder sa décision négative par de vagues récriminations dont la véhémence gratuite suffirait, au besoin, pour en démontrer l'injustice. Blessé de cette étrange et désobligeante déviation des règles et des égards usités dans les relations internationales, le Soussigné n'a pu lire sans le plus vif chagrin, les insinuations passionnées, les déductions offensantes de Lord Palmerston; il les repousse avec la plus grande énergie de son âme. Aussi contraire à la Traite que Lord Palmerston,—que qui ce soit au monde,—le Soussigné, veut toutefois des raisons plus plausibles pour porter atteinte à l'honneur d'autrui, que l'indice de complicité (le seul clairement formulé par Lord Palmerston) qu'on s'efforce de tirer de l'allé-

gation pure et simple que tel ou tel individu qu'on suppose se livrer à la Traite soit l'hôte ou le commensal de tel ou tel Ministre. Il répugne au Soussigné de prolonger cette singulière polémique, qu'il regretterait d'ailleurs vivement d'avoir entamée, et il s'abstiendra conséquemment de s'enquérir si les personnes dénoncées n'ont pas dans quelque opulente et philanthropique cité Européenne des commanditaires ou des commettants, et quelle y est la position sociale de ceux-ci.

Quoiqu'il en soit, le fait signalé par Lord Palmerston, de l'incessante importation de noirs au Brésil est sans doute affligeant, et personne ne le déplore plus sincèrement que le Soussigné, mais le Soussigné en déduit l'enseignement significatif, que les moyens de répression les plus efficaces ne sont assurément pas ceux de l'arbitraire, de l'intimidation, et de la force, auxquels, néanmoins, on paraît donner encore la préférence. Le Soussigné, &c.

S.E. Le Vicomte Palmerston, G.C.B.

MARQUES LISBOA.

No. 26.—Mr. Hudson to Viscount Palmerston.—(Received October 7.)

MY LORD,

Rio de Janeiro, August 5, 1848.

I HAVE the honour to inclose herewith extracts and translations from 2 newspapers recently established and published in this city, and edited by several Brazilian gentlemen, who are determined to use their best efforts to put a stop to the importation into Brazil of slaves from Africa.

Amongst these public-spirited individuals are some of the most distinguished men in the Chamber of Deputies, in the Senate, and in the Government.

The time appears at last to have arrived when the leading politicians of Brazil have shaken off their former indifference to the question of importing slaves. It is unnecessary, perhaps, to analyse the reasons which have led to the appearance of these distinguished gentlemen in the lists as champions of a cause which, if ably and vigorously handled, will prove as great a source of honour to themselves as it will be beneficial to their country.

All of them, however, are agreed, and some of them have declared in their places in the Chambers, that from the importation of slaves into Brazil flow those vices which corrupt Government and taint society.

On the 12th ultimo, the Minister for Foreign Affairs, in replying to a member of the Chamber of Deputies, who had urged upon the Government the necessity of enforcing the law of Brazil against the importation of slaves, said that in his opinion one of the best means of putting a stop to that illegal traffic would be to encourage the immigration of white artisans and labourers, and thoroughly to protect the interests of foreigners and of foreign capital.

His Excellency declared that this is the opinion of his colleagues, who were convinced of the prejudice which resulted to Brazil from the importation of slaves, and who would do everything they could to prevent it.

This declaration met with very cheering symptoms of assent from all parts of the House.

Senhor Christiano Ottoni, one of the most distinguished leaders of the Santa Luzia party, declared in his place in the Chamber of Deputies, no later than the 17th ultimo, that he would give the most frank and decided assistance to any measure which tended to repress the traffic. He thought no one could be blind to the evils which must inevitably follow in the train of the late enormously increased importations of slaves.

Senhor Terraz, on the 21st ultimo, when debating the peculations which have recently taken place in some of the Custom Houses of this country, took occasion to point out how fertile in expedients and in-trickery the trade in slaves had rendered some of the Custom-House officers of Macahé and of Rio de Janeiro.

Under the Customs' laws of Brazil, goods re-exported pay a duty of 5 per cent. only to the State. The slave importers, therefore, take up goods for re-exportation and ship them as though for the coast, dispatch their vessels from Rio de Janeiro to Macahé and other out-ports, there to complete their slave equipment, and, at the same time, by connivance with the Custom-House officers, land the goods which they shipped at Rio, which are then smuggled up the country, and escape the duties of from 30 to 50 per cent. with which they ought to have been charged.

Senhor Farraz, in commenting upon these facts, declared that in his opinion this vicious state of things sprang from the traffic in Africans, which demoralised and corrupted everything.

The present mode of carrying on the Slave Trade in Brazil is on the system of a lottery; the profits are enormous, the losses are ruinous. It is a fact that there is a Portuguese in this city who arrived here a pauper and is now worth half a million sterling at least, all made in Slave Trade. This example is not without its effect on other men of the same class; consequently, the army of slave-dealers in this country never wants recruits; if bad luck thins their ranks, there is no want of the needy or of the avaricious to fill their places. If the voyages are prosperous, the result is certain wealth.

The law against the importation of slaves may be an obstacle, but the profit made is so enormous, and the pay of Brazilian Customs' officers so small, that resistance to bribery has gradually become the exception, and one general system of corruption has tainted almost all. But this is not the worst part of the corrupt arts practised by the slave-

dealers ; the unhappy officer, who is first tempted and then sold to these worst enemies of Brazil, falls with less scruple into the meshes of the net set for him by the smuggler, and thus the revenue which is ample if collected, is sapped and insufficient for the wants of the State.

It was discovered only last month that there was a defalcation in the Customs' revenues of Pernambuco to the amount of 40,000*l.* sterling, and that in one department the officers had quietly pocketed the duties, and had kept no accounts at all.

It is calculated at Rio de Janeiro that the public Customs' revenue is defrauded to the enormous amount of one-third of the receipts.

Senhor José de Assis, in a remarkable speech delivered in the Chamber of Deputies on the 22nd ultimo, declared that this system of corruption may clearly be traced to the demoralization consequent upon the importation of slaves, hardening the heart, deadening the moral sensibilities, and laying the foundations of the splendid superstructure of vice, which the slave-importers have quickly raised upon them.

Senhor Goes, on the 28th ultimo, said in the Chamber of deputies, that he had remarked an assertion in the report presented by the Minister of Justice to the Chambers, that vigorous measures would continue to be employed against the traffic in slaves ; but it appeared to him that this was the stereotyped expression of every Minister, and was limited entirely to the report ; that he was of opinion there were other means of checking the importation of slaves besides violent ones ; that the Government ought to favour the immigration of white men ; to take advantage of the surplus labour of Europe, and to offer such inducements as would lead white colonists to give to Brazil the advantage of their skill in art and science ; that labour was wanted ; that the temptation to import slaves was so great in consequence of the lax application of the law, and of the corruption practised by the slave-importers, that slaves would continue to be imported and purchased if other labour was not prepared to supply its place.

I will not trouble your Lordship by a further repetition of opinions uttered upon this topic by other highly distinguished members of the Brazilian legislature.

It has been admitted by public men of every shade of political opinion, that the importation of slaves produces laxity of conduct, corruption and demoralization amongst the public officers of Brazil, and particularly in that class who are employed to guard the interests of and to collect the public revenue.

It appears also at last to have occurred to them that the reason why they cannot find volunteers for the military service of this empire may be traced to the same cause ; and public men are

beginning to reflect that if 70,000 slaves are imported annually into Brazil, many thousands of white men must be employed in watching them, and consequently that in gaining the labour of so many blacks, the more valuable labour of a certain number of whites must be abstracted from the service of the country.

They feel, too, that an imported slave may prove an enemy, and never can be a friend.

It has long been admitted that the existence of slavery is a curse to Brazil; but when to that curse is added the still greater of thousands of barbarians annually imported and introduced into the very heart of society, where they become domestic servants and nurses in Brazilian families, impressing unknown to or unremarked by the Brazilians, their very features upon society in this country, which is gradually and visibly retrograding and becoming more deeply tinged with the blood of the most worthless offcasts of the most worthless family of the human race; where the African is so notoriously sunk even in his own low scale, that the creole negro spurns him as his dog, and, slave as he is himself, despises and maltreats his brother bondsman.

It must infallibly result from such a state of things that this wretched class of beings carry with them into the very heart's core of Brazil depraved manners and conduct, and a disregard of all moral obligations, and therefore that the Brazilian members of the General Assembly are not wrong in their idea that this stream of corruption, which is silently spreading over the surface of the Brazilian body politic, is tainting and polluting all that it touches.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 27.—Mr. Hudson to Viscount Palmerston.—(Received October 7.)

MY LORD,

Rio de Janeiro, August 5, 1848.

I HAVE the honour to report to your Lordship that on the 3rd instant the Brazilian Government ordered the imperial steamer *Urania* to put to sea with sealed orders.

She went to sea accordingly, and returned towards Rio at night, disembarking some men on the beach called Praia do Foro, on the eastern side of the mouth of this bay; the detachment then proceeded across the hills to Jurujuba Bay, where is a noted depôt for slaves. They met there another detachment of troops, under the orders of the Viscount de Barbacena, the President of this province, and both then proceeded to the slave depôt, which they entered, and seized all the negro slaves there confined.

This event has caused great consternation to the slave-importers, and comes in proof of that determination of the Imperial Government

to put a stop to the Slave Trade, which I have had the honour to report to your Lordship in my other despatch of this day's date.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 28.—Viscount Palmerston to M. Lisboa.

Foreign Office, October 18, 1848.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note addressed to him on the 3rd instant by M. Lisboa, &c. acknowledging the receipt of, and containing observations upon, the note which the Undersigned addressed to M. Lisboa on the 18th ultimo, in reply to the complaints made by M. Lisboa against the conduct of the Commander of Her Majesty's ship *Grecian*; 1st, for not delivering up to the Brazilian authorities at Bahia, the Brazilian vessel *Bella Miguelina*, which had been captured by him, with 518 slaves on board, and had been forced to enter the harbour of Bahia to obtain provisions; and 2ndly, for carrying away from Bahia a slave who had taken refuge on board Her Majesty's ship *Grecian*, who represented himself to be a British subject, and who claimed protection as such.

In reply the Undersigned has to state to M. Lisboa that he thinks it only necessary to advert to the last passage of M. Lisboa's note, and to observe, with reference thereto, that the large annual importation of negroes into Brazil is not merely a proof that the means of repression hitherto employed by Great Britain have not been fully successful in preventing the Slave Trade, but is also a demonstrative evidence that the Government of Brazil has not hitherto fulfilled, and does not now fulfil, those Treaty engagements by which it has bound itself to Great Britain to prevent the subjects of the Brazilian Crown from taking part in any way whatever in the traffic in slaves.

I am, &c.

M. Lisboa.

PALMERSTON.

No. 30.—Mr. Hudson to Viscount Palmerston.—(Received October 30.)

MY LORD,

Rio de Janeiro, September 12, 1848.

I HAD the honour to report to your Lordship, in my despatch of the 5th ultimo, that the Brazilian Minister for Foreign Affairs had advocated in his place in the Chamber of Deputies the introduction of white colonists into Brazil, in order to supply the place of the Africans whose present illegal importation himself and his colleagues are determined to prevent.

Since that declaration on the part of his Excellency a measure has been brought into the Senate by the Viscount Abrantes, and which is now under discussion by the branch of the Legislature, for the regular and systematic colonization of Brazil by white colonists.

I shall have the honour, in due time, to report to your Lordship the principal features of this scheme and of its progress through the Chambers.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 31.—Mr. Hudson to Viscount Palmerston.—(Received October 30.)

MY LORD,

Rio de Janeiro, September 12, 1848.

On the 1st instant the Brazilian Chamber of Deputies commenced the discussion of a project of Law, No. 133, sent down to them by the Senate with certain amendments.

As this project of law is the same as that against which your Lordship instructed Mr. Hamilton to protest in your despatch of the 4th of December, 1837, I considered it my duty to address the Brazilian Minister for Foreign Affairs upon the subject, and I have the honour to inclose herewith the copy of a note which I transmitted to his Excellency on the 4th instant.

Not having up to yesterday morning received any reply to that note, I addressed a further remonstrance to his Excellency upon the subject, a copy of which I also inclose.

I do not transmit to your Lordship the decree itself because it is to be found in Mr. Hamilton's despatch to your Lordship of the 3rd July, 1837.*

I inclose a short analysis of the debate which has taken place in the Chamber of Deputies, upon this project of law, but which is not yet concluded.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

(Inclosure 1.)—Mr. Hudson to Senhor de Souza Franco.

EXCELLENT SIR,

Rio de Janeiro, September 4, 1848.

UPON several occasions of late I have had the honour to receive from your Excellency assurances conveyed to me in a manner so positive, solemn, and impressive, of the determination of the Imperial Government to put a stop to the scandalous importation of slaves into Brazil, that I did not hesitate to convey them to my Government with entire conviction that Brazil, under the auspices of your Excellency and your colleagues, was about to enter upon a series of measures which had for their object the complete and effectual repression of the traffic in slaves.

I learn from your Excellency that the Imperial Cabinet had prepared one measure in particular, complete in all its parts, and sufficiently comprehensive to meet the gigantic evil it was intended to encounter.

From the outline given of that measure, I readily recognize it in the project of law No. 133 which came on for discussion in the

Chamber of Deputies on the 1st instant, as sent down to them by the Senate, and as amended by the Imperial Government.

Without the slightest pretension in any way to call in question the absolute right of the Imperial Cabinet to frame such laws as are best suited to the taste and temper of the Brazilian people, I cannot forget, as a servant of the Queen, that it is my duty to watch over the interests of a certain class of persons whose rights have been conferred upon them by the mutual consent of the Crowns of Great Britain and Brazil.

The assurances which I received from your Excellency of the determination of the Imperial Cabinet to put a stop to the traffic in slaves, the recorded declarations of your Excellency and of your colleagues before the world, as given in your speeches from your places as Ministers of this empire in the Legislative Assembly of Brazil, wearing the solemn air of truth, and carrying with them that complete conviction which unsullied justice invariably commands, left no doubt on my mind of the honesty of purpose and singleness of heart which animated and guided the Imperial Councils.

I so expressed it to the Government of the Queen.

It was not, therefore, without surprise that I recognized in the project of law No. 133, the same scheme which the late Marquis of Barbacena presented to the Senate in 1837, and which in its 13th paragraph contains the deadliest blow ever levelled by a Brazilian statesman at the only remedy which Brazilian law affords to the slave to assert his rights to freedom.

The 13th paragraph of this project in 3 short lines condemns to perpetual slavery thousands of men and their descendants without a hope, without a chance that their doom can be changed—that their cup of bitterness can be drained.

I am willing to believe that your Excellency and your colleagues do not comprehend the drift and scope of the 13th paragraph of this decree, which declares, in terms the most positive and clear, that “no action can be commenced in virtue of the law of the 7th November, 1831, which is hereby repealed, as well as all others to the contrary.”

A comparison of the law of the 7th of November, 1831, with the project of law No. 133, now brought forward by the Imperial Government, shows that the difference between them is, that the former establishes the legal presumption of freedom, whereas the latter admits the importation of slaves, and only gives a right to their re-exportation, and entirely destroys the presumption of freedom.

By the project of law, the legal presumption is of slavery, and can only be destroyed by proof of freedom.

By the law of 1831, the presumption of freedom must be destroyed by proof of slavery.

It therefore becomes my duty to call the attention of your Excel-

lency to the position which Brazil is about to assume towards Great Britain, if the 13th paragraph of the project of law becomes the law of this empire.

Great Britain and Brazil having mutually engaged to put a stop to the traffic in slaves, the negroes found on board vessels employed in that trade, when condemned by the Mixed Commission Court at Rio de Janeiro, were, with the consent of that tribunal and of Her Majesty's Government, apprenticed to masters in Brazil.

Your Excellency is aware from the recent correspondence of this Legation—a correspondence which yet remains unanswered by your Excellency—that there are in Brazil many negroes who were released from on board ships captured by Her Majesty's cruizers who have been apprenticed in Brazil, and who have not yet received their freedom.

The repeal of the law of the 7th November, 1831, will prevent men in the condition of these negroes from coming into court, and from commencing an action at law for the assertion of their just rights and the recovery of their freedom.

They are placed at once beyond the pale of the law. They are reduced to the condition not of slaves or of serfs, but of the beasts which perish.

Your Excellency and your colleagues cannot intend to offer this specimen of the legislation of Brazil to the world as the great and crowning work which your Excellency vaunted to me, and which I was led by you to laud beforehand to my Government.

Your Excellency is surely aware that the project of law No. 133 is merely directed against the traffic in slaves.

And that the law of November, 1831, contains general dispositions against slavery.

Your Excellency can scarcely be ignorant that this project contains merely regulations against Slave Trade, and contains no provisions against illegal slavery; that it establishes a gigantic system of slavery, and utterly abolishes all legal presumption of freedom.

Your Excellency and your colleagues cannot intend to consign to hopeless and perpetual slavery men who have a perfect right to freedom, and to whose freedom, and to that also of their descendants, Her Majesty's Government are, in my opinion, pledged, and to whom Her Majesty's Government stand in the position of a trustee.

The terms of the 13th paragraph of the project in question are so utterly at variance with the honourable, just, and humane sentiments which I have heard fall from the lips of your Excellency, that I feel assured of your thanks in offering and inviting you to clear up the inconsistency which exists between the terms of that paragraph and the expressed intentions of the Imperial Cabinet.

Your Excellency, by your speeches, and by your declarations to

myself, which as in duty bound I have conveyed to Her Majesty's Government, has taken up a position before the world from which it would surely be your last wish to recede; it is the position of a benefactor, just and firm of purpose. But it appears to me that that position is perilled by the provisions of the 13th paragraph of the measure offered by your Excellency to the Chambers, and I have now the honour to invite you to explain this apparent contradiction.

In any case it is my duty to protest against the provisions of that measure, as infringing the rights of persons who I must consider as being still under the joint tutelage of the British and Brazilian Governments; and who, having acquired by virtue of Treaty stipulations, by the law of this country, and by other mutual arrangements between the 2 Crowns, positive rights, cannot now, by any species of Brazilian legislation, be placed in that hopeless position of perpetual slavery to which the project in question would consign both them and their descendants.

I avail, &c.

Senhor de Souza Franco.

JAMES HUDSON.

(*Inclosure 2.*)—*Mr. Hudson to Senhor de Souza Franco.*

EXCELLENT SIR,

Rio de Janeiro, September 11, 1848.

I HAD the honour, on the 4th instant, to address to your Excellency some general observations upon the project of law No. 133, and to protest particularly against the provisions which are contained in its 13th paragraph, as calculated to affect the interests and just rights of men who were conditionally introduced by Her Majesty's Government into Brazil, under a mutual understanding with the Government of this country.

As I perceive by the reported debates of the Chamber of Deputies that the discussion on this subject is still in progress, I am led to conclude that the protest which I had the honour to address to your Excellency, has not met with a full share of your Excellency's consideration; and I have therefore the honour to call your Excellency's attention to some further points which it is my duty to lay before you respecting this project of law.

Your Excellency is aware that when this project of law was first presented to the Brazilian Legislature in 1837, Her Britannic Majesty's Envoy at this Court, by order of his Government, entered a protest against it as subversive of the spirit of the Conventions which Great Britain had concluded with Brazil: and that the then Imperial Cabinet, upon due reflection, acquiesced in that opinion, and withdrew the measure.

It is to be presumed, from the recent declarations of your Excellency, both in public and to myself, that the spirit which heretofore impelled the Imperial Cabinet to resist the importation of slaves into

Brazil, has rather increased than diminished; and it might have been supposed that a measure which a former Brazilian Government abandoned as inconsistent with its public obligations, as inadequate for the purpose intended, and as subversive of certain sacred rights, would have found no favour with your Excellency and with your colleagues.

The protest which the Envoy of Her Britannic Majesty at that time addressed to the Brazilian Government, still exists in full, nay, in greater force, so far as its principle is concerned.

The Project of Law, No. 133, is even more objectionable now than it was in 1837, and unless your Excellency and your colleagues are prepared to pursue a retrograde system of policy with regard to the Slave Trade, I feel convinced that the reasons which induced the Government of Her Britannic Majesty to protest against that measure, and which led the Imperial Cabinet of that day to withdraw it, will again meet with equal attention and a similar result.

The Law of the 7th November, 1831, enacts that all slaves arriving in Brazil after the date of that law, are, *ipso facto*, freed from slavery.

This legal presumption of their freedom continues to exist until it be proved that they arrived in Brazil under one or other of 2 peculiar circumstances, which exclude them from the benefits of the general provisions of the law.

The other Articles of this law tend to repress Slave Trade, and prescribe the penalties incurred by the slave-importers, in addition to those which are imposed by the Criminal Code on persons who enslave free men.

But the Project of Law, No. 133, presented to the Chamber of Deputies, although in the first Article it declares the act of importing slaves to be illegal, does not free them from slavery.

Whereas, according to the Law of 1831, freedom is the natural and inevitable consequence of their importation.

If, therefore, this project becomes the law of Brazil, an African imported as a slave into Brazil will be considered in that condition, unless he can prove that he was free in the country from whence he was imported.

There is therefore this great and remarkable distinction between the Law of 1831 and this project, that by the latter the legal presumption is of slavery in all those cases, where the former presumes and supposes freedom:

And this is proved by the 8 following Articles, which, repressing the Slave Trade on the high seas and coast of Brazil, do not contain any regulations respecting the Slave Trade on shore.

Therefore, if the slave-trader can evade the cruizer and the police officer, slaves may be landed with impunity, their sale will be lawful.

and they will be placed entirely beyond the control and reach of the provisions of this project, which is limited to the material act of carrying slaves by sea.

It follows, therefore, that the slave-trader, having once landed and housed his slaves, runs no further risk, because by Article IX of the project the right to re-exportation is assigned only to those negroes who are captured on the coast or in the ports of the empire.

The XIIIth Article of the project repeals the Law of the 7th November, 1831, and declares that no action can lie in courts of justice under its provisions :

Consequently, all Africans who have been imported into Brazil since the 7th of November, 1831, have no longer any means of claiming their freedom from illegal slavery, because the project being an *ex post facto* law, destroys the importance which previously attached to the period of their importation, and reduces them and their descendants to a condition of *jure et facto* slavery.

The general tendency of this project of law is therefore to enslave freemen, in contradiction to Article CLXXIX of the Brazilian Criminal Code.

It becomes, therefore, my duty to urge these considerations in the most earnest manner upon your Excellency, protesting against the Project of Law No. 133, as inconsistent with, and as prejudicing the just rights of persons to whom this Legation of the Queen stands in the position of a trustee ; who have a right to expect that the Power which placed them in this country shall see that no damage is done to their interests ; that their rights are not swept away by a measure springing from one of the parties to the compact and agreement under which they were brought into Brazil.

Great Britain, when she entrusted those persons to the care and custody of her ally, never contemplated the possibility of a measure becoming the law of Brazil, which would reduce these Africans (of whom I speak) as if in mockery of their service to irrecoverable slavery.

This decree, therefore, is a departure from the principles which guided Great Britain and Brazil in concluding the several Conventions and Treaties against Slave Trade ; it is a relapse to that system of law which has once already been discussed by the Brazilian Legislative Assembly ; which has been denounced by its members, and abandoned by an Imperial Government.

I avail, &c.

Senhor de Souza Franco.

JAMES HUDSON.

No. 32.—Viscount Palmerston to Mr. Hudson.

SIR,

Foreign Office, November 3, 1848.

I HAVE received and laid before the Queen your despatches of the 5th of August last: the one reporting that feelings of hostility to Slave Trade were rapidly spreading among the public in Brazil, and that the Brazilian Government had determined to put an end to the importation of slaves; the other reporting the seizure of slaves in a slave depôt in the neighbourhood of Rio de Janeiro, by order of the Imperial Government.

I have also received your despatch of the 12th of September, stating that M. Souza Franco had advocated, in the Chamber of Deputies, the introduction of white colonists into Brazil in lieu of slaves; and that a measure had been brought into the Senate by Viscount Abrantes for the systematic colonization of Brazil by white colonists.

I have now to instruct you to state to the Brazilian Minister for Foreign Affairs, that if it really is the wish of the Brazilian Government to encourage immigration of Europeans into Brazil, and if Europeans resorting to Brazil, could upon their arrival be employed as agricultural labourers profitably to themselves, and with full security as to their personal liberty, and as to their freedom to dispose of their labour as they chose; and if, moreover, the Brazilian Government would defray the expense of their passage out, there is good reason to believe that a considerable number of families might be found willing to emigrate to Brazil from Ireland, and that there can be no doubt that such emigrants would be a useful and valuable addition to the population of Brazil.

If the Brazilian Government wish to encourage such emigration, and upon such terms, they would do well to send over an agent to this country to make inquiries and arrangements, and such an agent would receive all proper assistance from Her Majesty's Government.

I am, &c.

J. Hudson, Esq.

PALMERSTON.

No. 35.—Mr. Hudson to Viscount Palmerston.—(Received Nov. 30.)
(Extract.)

Rio de Janeiro, October 15, 1848.

I HAD the honour to report to your Lordship, in my despatch of the 12th ultimo, that the Brazilian Chamber of Deputies were discussing the project of a law, the object of which was to repeal the Brazilian law against Slave Trade, of November 7, 1831.

The 12 first Articles of that Project have passed the Chamber of Deputies with certain amendments, a report of which I have the honour to inclose herewith; but when Article XIII came on for discussion the Chamber determined to discuss it in secret session.

It was so discussed, and on the 26th ultimo Senhor Carvalho

Moreira, a deputy for Sergipe, moved as an amendment, that its further discussion should be postponed until next year, and this amendment being put to the vote, was carried by 32 votes to 29.

I cannot congratulate your Lordship upon this determination of the Brazilian Chamber of Deputies.

The measure, with all its hideous features of oppression levelled against an inoffensive, unresisting, unprotected mass of human beings, still hangs suspended, and may become law at an early period of next session.

That Brazilian Government which has recently retired from office used every effort to force the Bill through the Chamber. They were met with a determined resistance from a small body of members who, more alive to the honour of their country and to its public engagements with Great Britain, stoutly maintained the position that the Convention against the Slave Trade concluded by Great Britain with Brazil in 1826, is perpetual in the obligations which it imposes on this empire.

This point was contested by the Minister of Foreign Affairs, Bernardo de Souza Franco, who declared that he considered the project of law as in no wise militating against or as affecting those obligations; but, on the contrary, as the project is directed against Slave Trade, it is therefore in entire accordance with the stipulations of the Treaty of 1826.

I can readily believe that the Minister for Foreign Affairs made that declaration, because he said as much to myself at a conference which I had with his Excellency, and at which I remonstrated against the continued progress of the discussion of the project by the Chamber, and before I addressed my second note to him of the 11th of September.

That note, and the one which preceded it on the 4th of the same month, having been read in the Chamber of Deputies during the secret session, a member said, he "understood, therefore, that the British Legation arrogated to itself the right of trusteeship over all Africans brought into Brazil since 1831."

Your Lordship will have perceived that the argument of those notes is based upon a different assumption. But I am informed that the Minister for Foreign Affairs, though present in the Chamber, was at no pains to set the member right.

That Minister is now fallen; but before his fall he never replied to the notes which I addressed to him upon this subject, and I know that he used his best endeavours to push the project through the Chamber of Deputies.

Your Lordship will remember that, in a despatch which I had the honour to address to you on the 5th of August, I related the expressions used by Senhor Bernardo de Souza Franco, when declaring

in his place in the Chamber of Deputies, his determination and that of his colleagues to put a stop to the introduction of slaves into Brazil, and to substitute the labour of African slaves by that of white men, who were to be systematically introduced into Brazil under legislative enactment.

These declarations were followed up by the seizure of a small depôt of slaves near Rio, and by the presentation to the Senate of a Bill to encourage the immigration of white colonists.

For a short time the public of this capital believed that the Brazilian Cabinet were sincerely bent upon suppressing Slave Trade.

The Colonization Bill was, however, no sooner presented than it was abandoned; and it was soon discovered that the slave depôts in and near Rio, where they abound, were not molested; that slave-ships fitted out in this and other Brazilian ports with the same impunity as heretofore; that at no period has the Slave Trade been more active than at present at Rio, Bahia, Macahé, and Santos; and that at no time were slaves landed with less risk of interference on the part of Brazilian authorities.

When this state of things is contrasted with the declarations of the late Cabinet and of Members of the Legislature, with the abandonment of the Colonization Bill, and with the presentation to and discussion by the Chamber of Deputies, of the Project of Law No. 133, and with the earnestness with which the late Government attempted to pass that Bill through the House; I imagine that your Lordship will agree with me in thinking that the unhappy, unresisting African, the object of all this bitter persecution, cannot trust to the friendship of Brazilian Cabinets.

Certainly at no period of the history of Brazil, and perhaps at no period of the world's history, has a more deliberate attempt been made by a Government civilized and Christian, to reduce vast numbers of men to the condition of brute beasts.

Because this project of law, by substituting the legal presumption of slavery for that of freedom (which is the basis of the Law of November 7, 1831), by repealing that law, and by enacting that no action can lie under its provisions, deliberately puts all slaves brought into Brazil since 1831 beyond the pale of the law.

The legal presumption of freedom being destroyed, is it to be supposed that an African, kidnapped at Congo, can send to Congo for proof that he once was a free man?

As in duty bound, I reported to your Lordship the declarations of the late Brazilian Cabinet against Slave Trade; the same sense of duty now obliges me to declare that it was time only that was wanting when the discussion of this project of law was adjourned till next session. The Budget and many other necessary measures were not voted, and members were anxious to return to their homes.

The animus of the project is evident: it is an attempt to escape from the obligations which Brazil has contracted with Great Britain; and it visits, in a Brazilian sense, upon the head of the unoffending African, the sins of Lord Aberdeen's Bill of 1845.

The Brazilian press has not been altogether silent upon this occasion, and I have the honour to transmit herewith to your Lordship the translation of an article which appeared lately in a newspaper published in this city upon the subject of this project of law.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

(*Inclosure.*)—*Project of Law No. 133, said to be for the Repression of Slave Trade, and laid before the Brazilian Chamber of Deputies, September 1, 1848.*

No. 36.—Mr. Hudson to Viscount Palmerston.—(Received Nov. 30.)
 MY LORD, *Rio de Janeiro, October 15, 1848.*

I HAD the honour to report to your Lordship in my despatch of the 12th ultimo, that a measure had been brought into the Senate by Viscount Abrantes, for the regular and systematic colonization of Brazil by white colonists.

The Viscount of Abrantes has informed me that he has abandoned that measure.

The effect of this abandonment will be to give a greater stimulus to Slave Trade; because as the friends of that measure would probably have attempted the cultivation of their estates by white labourers, they have now no other alternative than the purchase of negroes, or the abandonment of their agricultural labours.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 38.—Mr. Hudson to Viscount Palmerston.—(Rec. Jan. 8, 1849.)
 MY LORD, *Rio de Janeiro, November 16, 1848.*

WITH reference to my despatch of the 12th September last, inclosing the copies of 2 notes which I addressed to the Brazilian Government, protesting against the principle of the Project of Law, No. 133, which aimed at the repeal of the Brazilian Law against Slave Trade of the 7th November, 1831, I have the honour to inclose herewith the copy of a note which I have received from the Brazilian Secretary of State for Foreign Affairs, informing me that the Imperial Cabinet have abandoned the project of law in question, and that, convinced of the absolute necessity of putting a stop to the African Slave Trade, they intend to present a measure to that effect to the Brazilian Legislature at its next meeting, May, 1849.

It is to be hoped that whatever measures the present Cabinet intend to bring forward against Slave Trade, may, if they eventually become law, be more faithfully regarded and executed than the existing Law of 1831, which, if it were duly put in force and honestly acted upon, instead of being constantly evaded and set aside, is quite sufficient for the repression of the traffic in question.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

(*Inclosure.*)—*Viscount Olinda to Mr. Hudson.*

October 26, 1848.

THE Undersigned having laid before the august presence of His Imperial Majesty the notes of the 4th and 11th of September last past, which Mr. Hudson, &c. addressed to his predecessor, in which he explains the reasons which induced him to protest against the Project of Law No. 133 of 1837, the discussion of which took place this year in the Chamber of Deputies; and from the same august personage he received orders to declare to Mr. Hudson, in reply to the above-mentioned notes, that the Imperial Government being convinced of the absolute necessity of forbidding the introduction of Africans into Brazil, will leave no means untried which are at their disposal, in order to effect it; and in the conviction that it is necessary to accomplish these ends by legitimate measures, in which the principles of justice and the vital interests of the Empire shall be consulted, will seek them from the Assembly as soon as that body shall have met. And as it is not the intention of the actual Cabinet to use its means and the influence of which it is legitimately possessed, in order to follow up the adoption of that (above) cited project, but intending to substitute it by another, which, after mature deliberation, is to be presented to the Chambers of the Legislature, it is evident that it becomes useless and unnecessary to discuss the notes to which the Undersigned has the honour to reply; a discussion which thus becomes completely aimless.

The Undersigned is certain that Mr. Hudson having to lay before his Government a knowledge of those intentions which he has thus expressed, will at the same time inform them of the aid which he expects from the representatives of the nation, in order to bring about the effectual repression of the traffic in Africans.

The Undersigned, &c.

J. Hudson, Esq.

VISCOUNT OLINDA.

No. 40.—Mr. Hudson to Viscount Palmerston.—(Rec. Jan. 8, 1849.)

MY LORD,

Rio de Janeiro, November 16, 1848.

WITH reference to your Lordship's despatch of the 28th of August, upon the subject of sending to Rio de Janeiro, accompanied

by proper witnesses, the master and crew of some Brazilian slave-vessels captured with slaves on board, in order that such offenders may be delivered up to the Brazilian authorities, to be tried by a Brazilian court of law; and instructing me to report both as to the best mode of carrying the project into effect, and as to the probable time it would take to bring such persons to trial after their arrival in Rio de Janeiro; I have the honour to state that in my opinion the offenders in question would never be brought to trial at all, but upon their arrival at Rio de Janeiro they would be brought up before a judge on a writ of habeas corpus, and discharged from custody.

The Brazilian Law of the 7th of November, 1831, under which alone these offenders could be tried, provides especially that the arrests of persons engaged in Slave Trade shall be made by the Brazilian "national forces."

I believe that this law was purposely thus drawn, in order to provide for the very case which Her Majesty's Government now contemplate, and therefore in the eye of that law, and under the protest of the Brazilian Government of 22nd October, 1845, the capture of these offenders would be held to be illegal, and all further proceedings at law against them would at once be dropped.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 41.—*Mr. Hudson to Viscount Palmerston.*—(Rec. Jan. 8, 1849.)

MY LORD,

Rio de Janeiro, November 16, 1848.

THE most remarkable events connected with Slave Trade which has recently occurred in this province, have been the seizure of 110 Bozal Negroes, on their passage up the harbour of Rio de Janeiro, to one of the numerous barracoons in and near this city.

These negroes were delivered up to the Brazilian Government, and having been adjudged free, have been apprenticed to the public arsenals.

The other events have been the landing of the cargoes of slaves from vessels named in the inclosed list.

Your Lordship will not fail to remark the unhappy success which attends the employment of steam-power in this iniquitous traffic. The *Povidencia* steamer, which was built for this trade, has made 4 successful trips since she was first launched, and has landed nearly 4,000 slaves.

I am informed that there is now building in this city a vessel to be propelled by steam, calculated to carry 2000 slaves.

The importation of slaves from Africa into Brazil, in vessels of The United States, will also attract your Lordship's attention.

It used to be said with honest pride, by the citizens of The United States, that they were a "law-abiding people." The inclosed

statement, which shows their utter contempt of their own law, its weakness and inefficiency, and the timidity of their own Government when opposed by kidnappers and the very scum of society, will go far to destroy this legitimate source of satisfaction.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

(Inclosure.)—*List of 10 Ships which have landed full cargoes of Slaves in the Province of Rio de Janeiro.*

No. 42.—*Mr. Hudson to Viscount Palmerston.*—(Rec. Jan. 8, 1849.)

MY LORD,

Rio de Janeiro, November 16, 1848.

WITH reference to your Lordship's despatch of the 12th July, inclosing the copy of a despatch from Her Majesty's Commissioners at the Cape of Good Hope, stating that Major Teixeira, the Governor of Quillimane, had absconded from that place in a slave-ship bound to Rio de Janeiro, with 500 slaves on board; I have the honour to report to your Lordship that Major Teixeira, after having landed the slaves in question on the coast of Brazil, repaired to this city, where he remained but a short time, and then sailed for Portugal, where, after being at large for some months, he was, as I am informed, imprisoned.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 45.—*Viscount Palmerston to Mr. Hudson.*

SIR,

Foreign Office, January 16, 1849.

I HAVE received your despatch of the 16th of November last, reporting the seizure of 110 Bozal Negroes, by the Brazilian authorities; inclosing a list of vessels which had landed cargoes of slaves in the province of Rio de Janeiro, from August to September last; and calling attention to the success which attends the employment of steam-vessels in Slave Trade, and to the use of United States' vessels in that traffic.

I have now to instruct you to use your best endeavours, by seeking information from Her Majesty's Consuls, or from other trustworthy quarters, to obtain as accurate an estimate as can be formed, of the number of slaves landed in Brazil in the year 1848.

I am, &c.

J. Hudson, Esq.

PALMERSTON.

No. 46.—*Mr. Hudson to Viscount Palmerston.*—(Rec. Jan. 21, 1849.)

MY LORD,

Rio de Janeiro, December 16, 1848.

WITH reference to my despatch of the 16th ultimo, in which I reported the great extension and support given to the Slave Trade by the employment in it of United States' vessels, I have now the

honour to acquaint your Lordship that not only do United States' vessels bring slaves to Brazil, but that they are sold, fitted, and armed for Slave Trade in this port; the purpose of the armament being, as it is publicly stated, to sink the boats of those British cruisers which may venture to overhaul them on the coast.

The United States' brig *Flora*, of 280 tons, sold to Manoel Pinto da Fonseca, is now being armed and fitted for Slave Trade in this harbour.

The United States' barque *Globe* landed 600 slaves a short time ago, at Rio dos Ostras; and The United States' brig of war *Perry* went in pursuit of an American ship known to be intended for Slave Trade, no later than the day before yesterday; but the moment the ship perceived that the brig was following her, she dropped her anchor within the limits of this port, where she still remains, to all intents and purposes guarded and protected by the Brazilian authorities.

The efforts of The United States' Minister at this Court, Colonel Fox, and The United States' Consul for this port, Mr. Parkes, are unceasing to prevent Slave Trade being carried on by United States' citizens; but they are of no avail against the countenance and protection given to the traffic by the Brazilian Government and authorities.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 47.—*Mr. Hudson to Viscount Palmerston.*—(Rec. Jan. 21, 1849.)
MY LORD, *Rio de Janeiro, December 16, 1848.*

THE Brazilian legislature at their last session passed a law increasing the duties levied upon all goods shipped in Brazil for the coast of Africa.

It was said at the time, that this measure was intended to check Slave Trade; but as I conceived its provisions would be evaded by the slave-dealers, I waited to see its operation before reporting upon it to your Lordship.

I have now the honour to state that this law is evaded in the following manner:

The slave-dealer loads his vessel, clears for, and sends her to, Monte Video, or any other neighbouring port. At Monte Video the master receives his certificate of entry, which is transmitted to Rio de Janeiro, where bond has been given at the Custom-House that the vessel was not intended for the coast. The bond is then cancelled; but in the meanwhile the vessel has sailed for Africa and has shipped her cargo of slaves.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 51.—Viscount Palmerston to Mr. Hudson.

SIR,

Foreign Office, February 3, 1849.

I HAVE received your despatch of November 16, 1848, and its inclosures, respecting the case of a man of colour named John Freeman, a native of Sierra Leone, who had been held in slavery at Bahia, and who having, as a British subject, claimed the protection of Commander Tindal of Her Majesty's ship *Grecian*, while that vessel was at Bahia in the month of May last, was carried away from Bahia by that officer, and placed on board Her Majesty's ship *Crescent* at Rio de Janeiro; and further stating that the negro in question had at your suggestion been sent back to Bahia by order of Commodore Sir T. Herbert, in order that his case might be inquired into at that place.

I have in reply to state to you that 2 questions arise out of this case. The first is, whether this man is or is not a British subject; and in regard to this point, the full and clear statement which the negro made with respect to himself when he first came on board the *Grecian*, the exact description which he gave of Sierra Leone, and the manner in which he speaks English, can leave no reasonable doubt that he is a British subject.

But no British subject can legally be held in slavery in any country; and if a British subject, being held in slavery in Brazil or elsewhere, contrives to escape, and seeks refuge on board a British man-of-war, the commanding officer thereof is bound to receive him and to protect him, and to convey him away at a convenient opportunity, without asking the concurrence of the authorities, and without making his conduct in such a matter depend in any degree upon any proceeding to be had before any local court of law. Commander Tindal was therefore perfectly right in receiving and affording protection to John Freeman; and I hope that by this time John Freeman has been sent back to Sierra Leone, the only place where the truth or falsehood of his statement could be correctly ascertained.

The second question which arises is whether, supposing Freeman not to be a British subject, he is or is not a slave according to the law of Brazil; and that question certainly turns very much upon the point mentioned by you, namely, whether he was imported before or after the time specified in the Law of 1831. That is an inquiry which undoubtedly could not be carried on except in conjunction with the Brazilian authorities; but you were quite right in not allowing the man to be given up to the Brazilian authorities pending such inquiry.

The result of such inquiry would certainly be, as you state, either that compensation should be made to the owner, if the man was legally a slave, or that punishment ought to be awarded to the owner

if the man being legally entitled to his freedom, was illegally detained and dealt with as a slave. I am, &c.

J. Hudson, Esq.

PALMERSTON.

No. 53.—Mr. Hudson to Viscount Palmerston.—(Received March 1.)

MY LORD,

Rio de Janeiro, January 8, 1849.

I WAITED this day upon Viscount Olinda, and placed in his Excellency's hands your Lordship's despatch of the 3rd of November last, stating that Her Majesty's Government would extend to a Brazilian agent sent over to England, all proper assistance in connection with emigration to Brazil, under certain conditions.

Viscount Olinda having attentively read that despatch, said that the Imperial Government were very sensible of the great benefit to be derived from the immigration of white colonists into Brazil; but as the project of law respecting colonization which was introduced into the Senate last session had been suspended, there were no resources at the disposal of the Imperial Government, which would enable them to assure immediate employment to the colonists on their arrival in Brazil.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

No. 54.—Mr. Hudson to Viscount Palmerston.—(Received March 1.)

MY LORD,

Rio de Janeiro, January 13, 1849.

WITH reference to my despatch of the 16th of December last, upon the mode in which the men-stealers of Rio Janeiro evade the operation of the Brazilian Customs' Laws. I have the honour to transmit herewith to your Lordship the copies of 2 letters and of their inclosures which I have addressed to Her Majesty's Chargé d'Affaires at Monte Video, upon the subject of an American vessel, named the *Flora*, which is owned by Manoel Pinto da Fonseca, and the fraudulent sale of which to Fonseca was effected by the agency of one Clapp, a citizen of The United States; the object being on the part of Fonseca, to evade payment of the increased Brazilian export duties of 30 per cent., and on the part of Clapp, to lend his name, for a pecuniary consideration, to the sale of the *Flora*, and thus to enable the kidnapper to sail her under American colours to the coast.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES HUDSON.

(Inclosure.)—Mr. Hudson to Her Majesty's Chargé d'Affaires at Monte Video.

SIR,

Rio de Janeiro, December 25, 1848.

I HAVE the honour to transmit to you herewith the copy of a letter (and its inclosures) which has been addressed to me by the Acting

British Consul for this province, from which you will perceive than an American vessel the *Flora* has been brought by Manoel Pinto da Fonseca, a man-stealer and seller established in this capital, and has been loaded by him with a cargo of goods, intended (as is evident from her manifest) for the Slave Trade, and has been cleared out by him for Monte Video.

It will occur to you, therefore, that as the cargo of the *Flora* is intended to be exchanged against slaves, the clearance for Monte Video is intended to cloak some other object, which is this:

The Brazilian Customs' Law enacts that goods cleared from Brazilian ports for the coast of Africa, shall pay increased export duties.

The man-stealers in order to escape the provisions of this enactment, clear out their vessels with coast goods for some neighbouring port, giving bond at the port of clearance.

The vessel then proceeds on her voyage, and arriving at her destination, she receives her certificate of entry, which is sent back to the port whence she sailed, where the owners bond is immediately cancelled at the Custom-House.

The vessel in the meanwhile has sailed for the coast, having escaped the obligations of the Brazilian Code with perfect ease.

In the present case of the voyage of the *Flora*, I have to suggest that you should watch her proceedings at Monte Video, where she doubtless will put this fraud into execution.

There is moreover another fraud contemplated in this voyage of the *Flora*, to which I have also to direct your attention.

The *Flora* is said to have been owned by a citizen of The United States, and the go-between of the man-stealers of Rio de Janeiro. He lends his name to sales of American vessels, which preserve that character as long as it suits the purpose of the man-stealer, who thus uses both Brazilian and United States' flags.

The *Flora*, for instance, having been partly sold to the man-stealer Fonseca by this United States' citizen, sails for Monte Video under American colours, but when she arrives there will probably throw off the mask and proceed under Brazilian colours to the coast.

This fraudulent use of flags will at once engage your attention, and you will probably be able to defeat the contemplated iniquity, by communicating with the proper authorities.

I have, &c.

H.M.'s Chargé d'Affaires at Monte Video.

JAMES HUDSON.

CONSULAR.

No. 59.—*Consul Porter to Viscount Palmerston.*—(Received June 7.)
 MY LORD, Bahia, May 6, 1848.

I HAVE the honour to lay before your Lordship the inclosed copies of a correspondence with his Excellency the President of this province and Commander Tindal of Her Majesty's sloop *Grecian*, relative to an attack made by a large party of armed men on the prize polacca *Bella Miguelina*, having on board 517 slaves, captured by the said sloop, and unfortunately compelled to put into this port for want of water and provisions, unaccompanied by her captor.

This piratical attempt was made at 10 o'clock on the night of the arrival of the said polacca, when anchored under the batteries of the fort and 4 Brazilian ships of war.

On my hearing the firing and disturbance, I hastened to the President, requesting his immediate assistance, which was instantly given, and a communication forwarded to the Commander of the Brazilian naval forces. It arrived, however, too late to be effective, as the attacking party had already been beaten off by the prize-crew, 3 of whom were slightly wounded, including the officer in command, Lieutenant D'Aguilar. The attacking party is stated to have consisted of about 80 individuals, of whom 2 were killed and others wounded.

This affair has caused considerable excitement and ill-feeling towards the British residents; happily no insult has yet been offered to any of them, and as the *Grecian* sailed with her prize on the evening of the 3rd instant, I trust it will soon subside.

As Her Majesty's steamer *Firebrand*, which arrived here on the 4 instant, leaves again to-day, we shall have no British vessel-of-war in port, which under existing circumstances would have been desirable.

I have likewise the honour to annex further copies of a correspondence relative to an African calling himself John Freeman, who, being a slave in this place, presented himself on board Her Majesty's sloop *Grecian*, claiming protection as a British subject on the ground of having been born at Sierra Leone. Commander Tindal has decided to keep this individual on board, and to refer his case to the Commander-in-chief of Her Majesty's naval forces in the Brazils.

I have, &c.

Viscount Palmerston, G.C.B.

EDWARD PORTER.

Copies of the inclosed correspondence (1 to 26) have been transmitted to Her Majesty's Chargé d'Affaires at Rio de Janeiro.

No. 60.—*Consul Porter to Viscount Palmerston.*—(Received June 7.)
 MY LORD, *Bahia, May 6, 1848.*

I TAKE the liberty to transmit to your Lordship the inclosed statement relating to the African John Freeman, who claimed protection as a British subject on board Her Majesty's sloop *Grecian*, and referred to in my despatch to your Lordship of this date.

The communication was made by the African in question to an Englishman of respectability.

I beg leave to state to your Lordship that I have not seen the black, John Freeman, he having been kept on board Her Majesty's ship *Grecian*; consequently the whole of this affair is at present in the hands of Commander Tindal, whose intention it is to submit the same to the consideration of the Commander-in-chief of Her Majesty's naval forces in the Brazils.

I have, &c.

Viscount Palmerston, G.C.B.

EDWARD PORTER.

(Inclosure.)—*Statement respecting John Freeman.*

JOHN FREEMAN went as servant with Mr. Coleman, an English missionary, to Badagry, on the coast of Africa, where some black people seized upon him as he was walking out one night, put him in confinement, and in 14 days afterwards he was carried on board a slave-vessel, where the master and crew told him that if he spoke English he would be immediately thrown overboard. He was brought to this city of Bahia, confined in the *Trapiche* with the other slaves, and was sold to a black man of the name of Joaquin.

No. 61.—*Viscount Palmerston to Consul Porter.*

SIR, *Foreign Office, June 16, 1848.*

I HAVE received your despatch dated the 6th ultimo, inclosing copies of a correspondence which you have held with the President of the Province of Bahia and with Commander Tindal, of Her Majesty's sloop *Grecian*, relative to an attack which had been made by a party of armed men upon the prize polacca *Bella Miguelina*, which vessel, with 519 slaves on board, had been captured by the *Grecian*, and had been compelled, for want of water and provisions, to put into the port of Bahia, unaccompanied by her captor; and also inclosing a correspondence relative to an African calling himself John Freeman, who, being held as a slave at Bahia, had presented himself on board the *Grecian*, and had claimed protection as a British subject on the ground of having been born at Sierra Leone.

I have to convey to you my approval of the course which you have pursued on both these matters, as reported in your despatch.

I am, &c.

E. Porter, Esq.

PALMERSTON.

No. 62.—*Consul Porter to Viscount Palmerston.*—(Received June 27.)

MY LORD,

Bahia, May 17, 1848.

I HAVE the honour to inform your Lordship that His Imperial Majesty has appointed Joaquim Jozé Pinheiro de Vasconcellos to the Presidency of this province.

It affords me pleasure to state to your Lordship that his Excellency is greatly opposed to the Slave Trade.

I have, &c.

Viscount Palmerston, G.C.B.

EDWARD PORTER.

No. 63.—*Consul Porter to Viscount Palmerston.*—(Received June 27.)

MY LORD,

Bahia, May 23, 1848.

I HAVE the honour to transmit herewith to your Lordship further copies of correspondence relating to the attack made on the prize polacca *Bella Miguelina*.

The slave-dealers here are fully aware of the weakness of the authorities, and that any act of violence or insult can be committed with impunity. At first the rabble meditated an attack on the Consular residence, from which they were diverted by the idea of attempting to recapture the polacca. They are also under an impression that the latter plan would have been lawful according to the English law, quoting, as they do, the case of the Brazilian schooner *Felicidade*.

The party who instigated the proceedings against the *Bella Miguelina*, gave, it is said, to each person engaged the sum of 50 milreis, or about 5*l.* sterling, and 60 milreis to the leader, who was killed in the attempt to board the prize.

With the view of making your Lordship acquainted with the opinions generally entertained by the Brazilians relative to the above affair, and of their power to detain the prize by force, I have the honour to lay before you the inclosed extracts from the debates of the Provincial Assembly, by which it appears that the virulence of their remarks is chiefly directed against myself, under the mistaken impression that it was in my power to have prevented the departure of Her Majesty's sloop *Grecian* and her prize.

I had forewarned Commander Tindal of the great excitement which would take place should he be compelled to bring to this port any captured slaver, but the arrival, without the protection of Her Majesty's sloop *Grecian*, of the *Bella Miguelina*, whose owners reside in this city, and having slaves on board, greatly increased the exasperation and thirst for revenge, and might have subjected the English residents to insult and annoyance.

I have, &c.

Viscount Palmerston, G.C.B.

EDWARD PORTER.

No. 64.—*Consul Porter to Viscount Palmerston.*—(Received June 27.)
(Extract.) *Bahia, May 23, 1848.*

I HAVE the honour to lay before your Lordship the accompanying statement made by the African, John Freeman, and transmitted to me by Commander Tindal.

The authorities here consider that a great indignity has been offered to them by the act of carrying away in Her Majesty's sloop *Grecian* the aforementioned individual, and by Commander Tindal's non-compliance with the request of his Excellency the President to have John Freeman deposited under his protection, leaving the decision of the case to the national tribunals.

The President has intimated to me his intention to transmit the particulars of this affair to the Central Government.

Viscount Palmerston, G.C.B.,

EDWARD PORTER.

(Inclosure.)—*Statement by the Negro John Freeman, claiming protection as a British subject.*

NAME, John Freeman; born at Sierra Leone; son to John Freeman, who keeps a small shop at that place; was baptized by Mr. Dove, a missionary at the missionary school there, which school he left six years ago. Mr. Saunders was the master.

He went as servant to Mr. Golman, a missionary, down to Badagry, about a year ago; was kidnapped by a man at that place, sent to Whydah, where he remained some months, and then sent across here in a slaver.

His master is a black man named San Joachino, living in Bahia, but he cannot describe the place.

Note.—This man describes Sierra Leone correctly, and speaks the English language as a person brought up in that colony.

Given under my hand on board Her Majesty's sloop *Grecian*, at Bahia, May 2, 1848.

L. S. TINDAL, *Commander.*

Witnesses to the above statement by the Negro John Freeman,

G. M. JACKSON, *Lieutenant*

STEPHEN JOHNS, *Master, H.M.S. Grecian.*

No. 65.—*Viscount Palmerston to Consul Porter.*

SIR,

Foreign Office, July 4, 1848.

I HAVE received your despatch dated the 17th of May, informing me that the Emperor of Brazil has appointed Joaquim Joze Pinheiro to the Presidency of the Province of Bahia, and that his Excellency is greatly opposed to the Slave Trade.

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Her Majesty's Government have received this intimation with much pleasure; and I have to instruct you to take every opportunity of urging upon the new President the expediency of prompt and energetic measures to prevent and to put down the Slave Trade. You will represent to his Excellency that the continued existence of this crime, and the protection and encouragement afforded to it by many persons in authority in Brazil, are the main causes which obstruct the establishment of those friendly relations between Great Britain and Brazil, which, if cordial and mutual, would conduce so much to the advantage of both countries.

I am, &c.

E. Porter, Esq.

PALMERSTON.

No. 68.—*Consul Porter to Viscount Palmerston.*—(Rec. October 30.)
 MY LORD, *Bahia, September 9, 1848.*

I HAVE the honour to inform your Lordship, that the British falucho *Fuente Santa*, of Gibraltar, of about 20 tons burthen, arrived at this port in December last, evidently for the purpose of being sold for slave traffic.

In the month of July following Mr. John Sechino, an Italian merchant and consignee of said vessel, presented himself at this Consulate, requesting a certificate of clearance, to be presented to the public departments of this city; which document having been granted, the said consignee informed me that the falucho had been sold for the sum of 8,500 reis, about 850*l.*, in all probability for the purpose of being employed in the Slave Trade.

A few days afterwards this clearance certificate was returned to me by the consignee, on the ground of its being insufficient; and I was then requested to certify to the identity of a person named Domingo Gaibisso, a Genoese, and to the validity of powers of attorney which had been sent to the said individual, authorizing him to sell the vessel; likewise to give my express permission in writing for the sale of the *Fuente Santa*, in conformity with the Imperial decree of the year 1846, regarding the sale of foreign vessels in Brazil.

Having taken into consideration the following circumstances connected with the said falucho:

1st. That this vessel had been actually sold to a noted slave-dealer, Joaquim Alves da Cruz Rios, who had already commenced fitting her up for carrying slaves.

2ndly. That Domingo Gaibisso, being a Genoese and non-resident in this province, had never presented himself to this Consulate; that his name appears on the muster-roll of the *Fuente Santa* as common seaman, he being unable either to read or to write.

3rdly. That the powers of attorney drawn up by a notary public of Gibraltar, had already been authenticated by the Brazilian Vice-

Consul of that place, for the purpose of making it valid in this country, had been registered at this Consulate, and the usual certificate of registration endorsed thereon; and, lastly, that by granting the certificates required, I should be sanctioning an act in direct contravention of the laws of Great Britain. I therefore deem it my duty to withhold them.

The parties then put forward their request in writing, but not succeeding in altering the decision I had previously come to, they were unable to effect the change of flag; consequently, a judicial protest was served upon me, copy of which I have the honour to inclose.

The falucho *Fuente Santa* cleared for Gibraltar, and sailed from this on the 16th ultimo. Her papers and the whole proceedings of the parties interested in this vessel being irregular and suspicious, I addressed a letter to his Excellency the Governor of Gibraltar, likewise to Her Majesty's Consuls at the different ports on this coast.

In a slave-trading country it is at all times difficult to obtain personal confirmation of a fact, however notorious, when relating to slave traffic; such is applicable to the case of the falucho *Fuente Santa*.

The high price given by slave-dealers for vessels of her class, will I fear lead to the arrival of others, and the British flag be thus made instrumental in facilitating the carrying on of the Slave Trade. I therefore beg leave to solicit your Lordship's instructions for my guidance, in case my surmise should prove correct, and whether, as Her Majesty's Consul, I am bound to grant, when required, my permission in writing for the sale of English vessels at this port in conformity with the 1st Article of the Imperial Decree of 1846, a copy of which I herewith transmit.

The parties interested in the foregoing proceedings are under the impression that I was not justified under any circumstances in refusing the documents required, the withholding of which has greatly exasperated them, as well as the whole slave-trading community of this city.

I have, &c.

Viscount Palmerston, G.C.B.

EDWARD PORTER.

(Inclosure.)—Decree relating to the Disposal of Foreign Vessels in the Ports of Brazil.

(Translation.)

Rio de Janeiro, October 24, 1846.

MAKING provisions against the inconveniences resulting from the facility wherewith foreign vessels are bought and sold in the port of Brazil.

It being worthy of my Imperial solicitude for the interests and security of property, as well of the subjects of the Empire as of those of foreign and friendly nations, to provide against the serious incon-

veniences resulting from the facility wherewith foreign vessels are bought and sold in the port of Brazil, without the necessary inquiry as to the legality of the sellers and of the motive of the sale, I hereby, having consulted the section of the Council of State of Foreign Affairs, ordain that henceforward the following be observed :

ART. I. No sale of a foreign vessel can be made in the ports of the Empire by the captain or commander, any other person of the crew, passengers, or any other national or foreign individual, without the knowledge and express authorization in writing of the Consul of the respective nation, Vice-Consul, or Consular Agent, residing in the place.

II. If in the place where the sale is intended to be effected there be no Consul, Vice-Consul, or Consular Agent, it cannot take place without authorization by despatch from the civil authority of that place.

III. The civil authority, to whom a petition for the authorization of sale be made, can only grant the same in one of the following cases: 1st. That powers of attorney, or order from the proprietor with special powers, be presented to them in such a manner authenticated as to admit no doubt: 2ndly. That the captain or commander have proved before it, in a full and conclusive manner, that the vessel he intends to sell is unnavigable.

IV. The unnavigableness can only be considered as substantiated when the following cases are proved: 1st. That there has been a wreck; 2nd. That the vessel has need of repair exceeding three-fourths of her value; 3rd. That the captain or master has not sufficient funds or credit to make the necessary repairs, even if their cost is less than those specified under No. 2.

V. The authorization from the Consul, or despatch from the civil authority to effect a sale, must be presented to the Fiscal Office, where the payment of the respective duties is to be made, and here the "visa" is placed on the authorization or despatch. Without the presentation of contract of sale, together with all the above formalities, the vessel cannot be registered as Brazilian, if the purchaser be a Brazilian, nor can she be permitted to dispatch for sailing in the name of the new purchaser, if he be a foreigner.

VI. No notary public shall make out a contract of purchase or sale of a foreign vessel without the preceding formalities being duly accomplished, on pain of being punished for disobedience, besides other punishments he may have incurred.

Antonio Francisco de Paula Hollanda Cavalcanti d'Albuquerque, &c. Minister and Secretary of State, pass the necessary orders for the observance.

By the Emperor,

ANTONIO FRANCISCO DE PAULA E HOLLANDA
CAVALCANTI DE ALBUQUERQUE.

No. 70.—*Consul Porter to Viscount Palmerston.*—(Rec. December 29.)

MY LORD,

Bahia, October 10, 1848.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of 4th July last, desiring me to represent to his Excellency the President of this province the expediency of prompt and energetic measures to put down the Slave Trade, the continuance of which is the principal obstruction to the establishment of more friendly relations between Great Britain and Brazil.

Unfortunately, Senhor Pinheiro de Vasconcellos had been removed from the presidency previous to the receipt of your Lordship's despatch. I nevertheless took an early opportunity of communicating to him your Lordship's suggestions, which he received with due consideration, but remarked, that measures to be effectual for the suppression of slave traffic must originate with the Central Government, as his best endeavours for that object had always been rendered abortive for want of due authority or co-operation.

I have been informed that the opinions of the new President are opposed to the Slave Trade, and I shall consider it my duty to confer with his Excellency on this subject in conformity with your Lordship's instructions.

I have, &c.

Viscount Palmerston, G.C.B.

EDWARD PORTER.

No. 71.—*Viscount Palmerston to Consul Porter.*

SIR,

Foreign Office, January 11, 1849.

I HAVE received your despatch of the 9th of September last, reporting the circumstances under which you had refused to give the written permission which is required in such cases by the law of Brazil, to enable Domingo Gaibisso, the attorney of Mr. Francisco Carreras, of Gibraltar, the owner of the British felucca *Fuente Santa*, to effect the sale of that vessel at Bahia; and had also declined to certify the identity of the said Gaibisso.

I have the satisfaction of informing you that the proper law adviser of the Crown, to whom I referred your despatch and its inclosures, has reported it to be his opinion, an opinion in which I entirely concur, that you were perfectly justified in the course which you pursued in this matter. You will accordingly take the opinion so expressed as a rule for your guidance in any future cases of a similar nature.

I approve of your having communicated the particulars of this case to the Governor of Gibraltar, and of the communications which you made thereupon to Her Majesty's Consuls at Rio de Janeiro, Pernambuco, and Paraiba, and to Her Majesty's Vice-Consul at Maceio.

I am, &c.

E. Porter, Esq.

PALMERSTON.

BRAZIL (MARANHAM).

CONSULAR.

No. 73.—*Consul Corbett to Viscount Palmerston.*—(Received April 8.)

MY LORD,

Maranhã, February 15, 1848.

I HAVE the honour to acquaint your Lordship that I have taken upon myself a great responsibility in embarking on board of the British barque *Theresa Jane*, William Wright, Master, Liverpool, one of the abducted Africans, a krooman of the name of Black Will, who was forcibly taken from on board the slave prize brigantine to Her Majesty's brig-of-war *Alert* in the month of January, 1846. This African, through the means of an interpreter, will be enabled to state to your Lordship the whole of the nefarious proceedings of this abduction, and that a person who is above all law is deeply implicated in the matter, and who is lately returned as one of the Deputies of this province.

I am instructed by Her Majesty's Minister at Rio Janeiro to forward all Africans who may come into my possession belonging to the slave prize to Rio de Janeiro; but your Lordship's pardon I crave for deviating from these instructions, inasmuch as I am well aware that this African would be made away with, either by some suborned persons claiming him as a runaway slave, or doing what was done some time ago with an African who was in the late African corps in a neighbouring province, by poisoning and throwing him overboard.

The original examination by myself of this African I shall have the honour to transmit to your Lordship in a few days per *Ann*, wishing to forward copies to the Embassy, say Legation, at Rio de Janeiro by the steamer.

I have paid the master of the *Theresa Jane* for passage-money, &c. and have stated to him that orders will be sent how he is to dispose of this African. The address of the Master is annexed.

I have, &c.

Viscount Palmerston, G.C.B.

R. FALCONER CORBETT.

The address,—

Captain Wright, Egremont, Cheshire, near Liverpool.

No. 74.—*Viscount Palmerston to Consul Corbett.*

SIR,

Foreign Office, September 4, 1848.

ON the 8th of April last, I received your despatch of the 15th of February on the subject of a negro called Black Will, who was sent to England by you in the barque *Theresa Jane*, being one of the Africans who had been forcibly taken from on board a slave-vessel, prize to Her Majesty's ship *Alert*, in the port of Maranhã, in the month of January, 1846.

I have to state to you that under the circumstances reported in your despatch, I approve of your having in this instance deviated from the instruction which you received from Her Majesty's Minister at Rio de Janeiro, directing you to send to that capital all negroes who might come into your possession who had formed part of the cargo of the *Alert's* prize; and I have to acquaint you that I have caused Black Will to be sent in one of Her Majesty's ships to Sierra Leone, from which colony it appears that he will be enabled to reach his native place.

In your despatch above referred to you stated that it was your intention to transmit to me in a few days by the vessel *Ann* the original examination of Black Will, taken by yourself; but I have to inform you that this document has never reached my hands; and I have, therefore, to desire that you will forward it to me without delay, unless you have already done so and it has miscarried, in which case you will forward an authenticated copy of it by the first opportunity.

I am, &c.

R. F. Corbett, Esq.

PALMERSTON.

No. 75—Viscount Palmerston to Consul Corbett.

SIR,

Foreign Office, December 31, 1848.

WITH reference to the case of the brigantine, name and nation unknown, captured with 58 slaves on board by Her Majesty's ship *Alert*, and forced on the 2nd of January, 1846, whilst under the charge of Lieutenant Wasey and a prize crew from that vessel into the port of Maranhão, through the unseaworthy state of the prize and want of provisions and water; and also with reference to the abduction of the negroes by a party of from 30 to 40 men in the uniform of the national guard; I have to state to you that a letter has been received at this department from Her Majesty's Treasury, inclosing a memorial from the agent to the captors, praying that the proceeds of the vessel and cargo and bounty upon the tonnage and slaves may be paid to them; and also transmitting a report from the legal adviser to the Treasury upon this case, suggesting that application should be made to the Brazilian Government for the restoration to freedom of the slaves so abducted; and also that the vessel, if not wanted for Her Majesty's service, should be broken up and the materials sold in separate parts by public sale, and the proceeds, as well as those of the cargo, transmitted to Her Majesty's Government to be paid over to the captors.

With respect to the liberation of the slaves I have, in accordance with the suggestions of the Lords of the Treasury, instructed Her Majesty's Chargé d'Affaires at Rio de Janeiro to renew the efforts he had made on former occasions for that purpose; and I have also to desire that you will strongly urge the President of the province to

cause these slaves to be sought out and to be delivered up to you for removal to a British colony.

With respect, however, to the suggestion as to the breaking up of the vessel and to the sale of her cargo, I perceive by a note which was addressed on the 5th of August, 1847, by the Brazilian Minister for Foreign Affairs to Lord Howden, that the President of the Province of Maranham had with your concurrence caused the vessel to be disposed of by public auction; and that the Brazilian Government were about to instruct the President to pay over the proceeds to you. I have, therefore, to desire that if the proceeds have been already paid over to you, you will remit, without delay to Her Majesty's Government; but if the proceeds should not have been paid to you, you will apply to the President for an account of the sale and for the amount of the net proceeds thereof.

I am, &c.

R. F. Corbett, Esq.

PALMERSTON.

No. 79.—*Consul Corbett to Visc^t. Palmerston.*—(Rec. Feb. 10, 1849.)

MY LORD,

Maranhã, December 21, 1848.

I HAVE the honour to acknowledge the reception of your Lordship's despatch of the 18th September, 1848, instructing me to transmit a list of British subjects who are owners of slaves, resident within the district of this Consulate.

I have the honour to inclose a return of all the owners of slaves, distinguishing the number of slaves employed in domestic affairs, and those in agricultural; this return is not so satisfactory as it ought to be, and I beg leave most respectfully to draw your Lordship's attention to a copy of my circular addressed to Her Majesty's subjects under date of 27th November, 1848, No. 2, and the original replies from 3 mercantile establishments, marked No. 3.

I have the honour also to acquaint your Lordship that ever since the year 1826 I never possessed a slave, and the one I did possess at that time was immediately emancipated by order of those with whom I am connected in England. I have, &c.

Viscount Palmerston, G.C.B.

R. FALCONER CORBETT.

(*Inclosure 1.*)—*List of 11 British Subjects resident in the Province of Maranhã, who are Owners of 159 Slaves.*

(*Inclosure 2.*)—*Circular issued by Consul Corbett.*

British Consulate, November 27, 1848.

MR. CONSUL CORBETT is instructed by the Right Honourable Lord Viscount Palmerston, G.C.B., Her Majesty's Principal Secretary of State for Foreign Affairs, to transmit 2 lists of all the British mercantile houses established within the district of the Maranhã Consulate,

and also a list of the owners of slaves, in conformity to the tabular forms annexed.

Her Majesty's Consul therefore requests that Her Majesty's subjects will furnish the Consulate with these returns.

BRAZIL (PERNAMBUCO).

CONSULAR.

No. 88.—*Consul Cowper to Viscount Palmerston.*—(Rec. April 19.)
 MY LORD, *Pernambuco, February 19, 1848.*

IN accordance with the instructions conveyed to this Consulate in the circular of the 8th of March, 1843, I have the honour to forward to your Lordship a report upon the state of Slave Trade and slavery within this province.

I believe that I can once more report that no slave has been landed in Pernambuco from Africa during the whole of 1847, for it is positively denied that even the *Calumnia*, which I returned on the 30th September last as having landed 117 slaves, imported any, and if she be excluded there exists no ground for suspecting any other vessel.

The reason of the cessation of Slave Trade is greatly owing to the continuance of the Praiero or Democratic party in power.

The home or coasting Slave Trade has also greatly diminished.

The promised census of the population has not appeared.

The export of the produce of slave labour during the past year was as follows: viz. 25,476 bags of cotton, weighing 1,966 tons 3½ cwt. Sugar, 49,114 tons 3½ cwt. Hides, No. 91,148. Rum, 2,198 pipes and 682 barrels. Sweetmeats, 95,370 lbs. The total value, £950,000.

No alteration whatever has taken place in the laws of the empire respecting slaves,—their general treatment is the same;—a general apprehension exists in the Province of Bahia, that the extension of Slave Trade is hastening the day when that province will fall into the hands of blacks, and the prosperity of this province is there attributed to its cessation from that traffic. I have, &c.

Viscount Palmerston, G.C.B.

H. AUGUSTUS COWPER.

BRAZIL (RIO DE JANEIRO).

CONSULAR.

No. 94.—*Acting Consul Westwood to Visc^t. Palmerston.*—(Rec. May 8.)
 MY LORD, *Rio de Janeiro, February 17, 1848.*

IN submitting the Annual Report on the state of the Slave Trade and slavery within the district of this Consulate during the past year,

I much regret that I cannot inform your Lordship of any diminution in this odious traffic.

Analysis of the Traffic in 1847.

From the Custom-house returns it appears that the departures from this port to Africa and arrivals from that coast, during the year, were as follows :

DEPARTURES.				Vessels.
Under the Brazilian flag	..	..	11	
„ Portuguese	..	..	6	
„ American	..	..	15	
„ French	..	..	5	
„ Hamburgh	..	..	3	
			—	40
ARRIVALS.				
Under the Brazilian flag	..	..	4	
„ Portuguese	..	..	4	
„ American	..	..	11	
„ French	..	..	4	
„ Swedish	..	..	1	
„ Hamburgh	..	..	3	
			—	27
			—	
Total	..	..	..	67

These returns, however, furnish no criterion of the extent of the Slave Trade between this district and Africa, as a great number of vessels that sail for that coast leave this harbour under clearances for different Brazilian ports, and others depart from the various small out-ports in this neighbourhood, while many of the vessels that land slaves along the coast report themselves on arrival here as coasters ; and such is the protection and assistance granted by all the Brazilian authorities to slave-trading transactions, that it is impossible, in a place so much frequented by shipping from all parts of the world, to be aware of all the proceedings connected with this nefarious traffic.

Since the British vessels-of-war have ceased cruizing on this coast, all the energies of the slave-dealers have been directed to frustrate the plans of Her Majesty's cruizers on the African coast, in which, to judge from the number of vessels that have landed full cargoes of slaves in this neighbourhood, they have been very successful.

This success may be mainly attributed to the great assistance and protection that slave-dealers have derived from the use of the American flag, which has so aided them in organizing their plans on the coast of Africa as to facilitate, in a great measure, the embarkation of slaves and the departure of the vessels ; and it is much to be feared that so

long as the flag of The United States continues so entirely subservient to all slave-trading purposes as it is at present, the suppression of this nefarious traffic by British cruising will be greatly retarded.

The fact that the flag of The United States affords in every way the greatest protection to the Slave Trade has lately been but too clearly proved by the numerous cases that have occurred of American vessels being sold to well-known slave-dealers without changing colours; and there are now in this harbour 2 brigs, the *Brazil* and *Don Juan*, wearing American colours, while they are well known to belong to notorious slave-traders.

Besides these 2 vessels, the barque *Camilla*, barque *Ceres*, and brigs *Malaga*, *Whig*, and *Joseph*, have lately been sold and furnished by Mr. Parks, the American Consul, with sea-letters for African voyages.

From the reports already furnished, your Lordship must be aware of the impossibility of arriving at any correct estimate of the number of slaves landed; and although I am convinced that the importation of Africans within this district during 1847 was much above the average of past years, I have only been able to make up the following account:

At Macahé, Campos, and Cape Frio	21,000
At Rio harbour, and islands and bays up to Cape Frio	19,000
At Ibla Grande and different localities to the southward of Rio	6,000
Total	46,000

The landing of slaves along this coast is now carried on in the most undisguised manner.

The slavers generally make the land to the northward of this harbour, landing their living cargoes at all the bays, islands, and small harbours between this and Campos; but the favourite points are Macahé and Cape Frio; and I have heard that one reason for preferring Cape Macahé is, that all the authorities have a regular charge of so much per vessel, and that this charge or bribe is more moderate than at most of the other points of disembarkation, and from being fixed, renders delay or bargaining unnecessary.

From all these landing-places, or depôts, slaves are conveyed coastwise, and even brought into this port by the coasting steamers; and this employment is found to be so lucrative, that 2 or 3 of these coasters are nearly exclusively engaged in this manner; and although this practice is notorious, the Brazilian authorities take no steps to prevent it.

The present value of newly-imported negroes is much under the average rate, the cash price for a healthy slave being from 450,000

milreis to 500,000, or 50*l.* to 56*l.*; this decline in the price may be attributed to the immense number that have lately been landed, and to the scarcity which has prevailed in the money market.

As the planters are seldom able to pay ready money, slave-dealers supply them with slaves to work their estates at a much higher rate, at 1, 2, 3, and even 4 years' credit, taking as security for ultimate payment, mortgages on the estates; and in this manner the slave-traders hold the agricultural proprietary body at their mercy and under their control.

As no census has been published since the last reports were made, it is not in my power to give any further information respecting the population of this province.

By the inclosed statement of the quantity and value of the staple productions of slave-labour exported during the past year, your Lordship will perceive that there continues to be a steady and considerable increase in coffee, very little change in the quantity of sugar, and a very great decrease in the amount of rosewood exported.

I have, &c.

Viscount Palmerston, G.C.B.

JNO. J. C. WESTWOOD.

(Inclosure.)—*Statement of the amount and value of Exports of such staple productions of Brazil, cultivated by slave-labour at Rio de Janeiro, during the year 1847.*

Description of Produce.	Quantity.	Sterling Value.	Total.
		£	£
Coffee	1,641,560 bags	2,664,100	
Sugar	8,311 cases	161,000	
Rosewood	10,608 planks	12,200	
			2,837,300
Duties and shipping expenses			482,341
In addition to the above, other articles of produce, such as hides, rice, horns, tapioca, tobacco, and rum, were exported during the last year, the value of which may be estimated at			3,319,641
			460,000
Total value of produce shipped in 1847		£	3,779,641

JNO. J. C. WESTWOOD, *Acting Consul.*

No. 96.—*Viscount Palmerston to Acting Consul Westwood.*

SIR,

Foreign Office, July 25, 1848.

I HAVE to acquaint you that Her Majesty's Government has deemed it expedient that the duties of emigration agent at Rio de Janeiro should be performed by Her Majesty's Consul. It will

accordingly devolve upon you to undertake the duties in question until the return of Mr. Hesketh to his post.

Mr. Hamilton has been instructed to make over to you all the documents in his possession which have reference to this service; and I have to desire that you will take charge of them, and guide yourself in the execution of the duties of the office, by the instructions under which Mr. Hamilton has hitherto acted.

The remuneration to be allowed to you for executing the duties of emigration agent will be 5*s.* a-head for each negro dispatched by you to the West Indies; and you will, as pointed out in the instructions, include the amount of the sum accruing to you in each case in the bill which you will have to draw on the Governor of the colony to which the negro may be forwarded.

I am, &c.

J. C. Westwood, Esq.

PALMERSTON.

No. 100.—Acting Consul Westwood to Viscount Palmerston.

(Received March 1, 1849.)

MY LORD,

Rio de Janeiro, December 28, 1848.

IN obedience to your Lordship's instructions contained in the despatch dated September 18th last, I have the honour to transmit herewith a list of British subjects within the district of this Consulate who are owners of slaves.

I regret that this list does not contain a more full and correct statement on the required heads; but the different quarters at which the estates are situated, and the difficulty of obtaining any correct data even in this city respecting the ownership of slaves, is the cause of the inclosed return not being so full and complete as it should be.

I have, &c.

Viscount Palmerston, G.C.B.

JNO. J. C. WESTWOOD.

(Inclosure.)—List of 15 British Subjects within the District of the British Consulate at Rio de Janeiro, who are the Owners of about 2,231 Slaves.

BRAZIL (RIO GRANDE DO SUL).

CONSULAR.

No. 102 — Consul Morgan to Viscount Palmerston.—(Rec. June 16.)

MY LORD,

Rio Grande do Sul, February 15, 1848.

I HAVE the honour to transmit herewith copy of a despatch I addressed to Her Majesty's Envoy at Rio de Janeiro respecting the intended rising on the 4th instant of the slave population in this province.

Since then several of the principal slaves implicated have been severely flogged in the jails at Pelotas, in order to extort a confession of the names of the parties who had enlisted them, but hitherto to no purpose ; and 10 of them have died under the lash rather than confess the true object of the conspiracy, or the names of the abettors of the same.

Public tranquillity has not been disturbed, although some apprehension existed at the moment, as it is well known that secret agents from the River Plate are residing in several districts of this province.

The authorities have however tried as much as possible in public to undervalue the importance of this conspiracy ; but there can be no doubt that there is a spirit abroad amongst the slave population of this province, that sooner or later their emancipation will come through the medium of the neighbouring Republican States.

I have, &c.

Viscount Palmerston, G.C.B.

JOHN MORGAN, JUN.

(Inclosure.)—Consul Morgan to Lord Howden.

MY LORD,

Rio Grande do Sul, February 9, 1848.

I HAVE the honour to report that at Pelotas (distant about 12 leagues from this city) the plan of a general rising of the slave population employed on the Charqueadas was discovered on the 4th instant, which on the following day was to have been put into execution, by the immediate massacre of their masters, and by an attack on the barracks of the few troops stationed in that town.

200 muskets, a like number of carbines, swords, and pistols, with a great quantity of ammunition, were found concealed in a barn, near Pelotas ; and up to yesterday upwards of 300 slaves had been seized and lodged in jail.

Others who resisted and tried to gain the Campo were attacked and destroyed.

In order that they might be recognized by one another the initiated in the conspiracy had the hair on the back of their heads shaved downwards in a straight line from ear to ear, and all those who have been found with this distinctive mark upon them have either been seized by the police, or have been whipped and tortured by their masters into a confession of their confederates.

Some of the chiefs who have mostly figured in this intended rising are free blacks of the Mina nation, unquestionably known as the most intelligent of the negro race ; and upwards of 1,500 of them are said to have been initiated and were ready to act on the first rising.

But it has also been ascertained that a master hand has been guiding and encouraging this affair for some time past, by employing

the Capatazes, mostly Spaniards, of the different Charqueadas, to enlist the slaves, by promising them that they would be taken to the Banda Oriental where freedom awaited them in the ranks of General Oribe's army.

When this conspiracy was discovered, the principal person implicated, said to be a Lieutenant-Colonel in Oribe's army, absconded towards the frontier town of Bagé, and the police were actively engaged in his apprehension; but 2 others, Spaniards from the River Plate, are now in prison, and a colonel now resident at Pelotas and a native of Buenos Ayres are strongly suspected.

The informers of the existence of this conspiracy are 3 Mina slaves, who feeling great friendship for their masters, who had always treated them kindly, confessed the whole plan to them, and thus most providentially prevented the enactment of the scenes of St. Domingo in this province.

Several blacks found with their heads shaved have also been seized in this city.

I have, &c.

Lord Howden.

JOHN MORGAN, JUN.

EGYPT.

No. 103.—*Consul Gilbert to Viscount Palmerston.*—(Rec. Nov. 24.)
MY LORD, *Alexandria, November 7, 1848.*

It has for many years been the custom for foreigners and British subjects in this country to purchase slaves and retain them in their service under the appellation of servants, though without granting them certificates of liberty; and thus in case of misconduct on their part, or caprice on that of their masters, they were frequently resold by the public auctioneer. Many of these slaves have been so severely beaten, and sometimes even maimed, by their owners, more especially by Ionians and Maltese, that they have not hesitated to throw themselves out of window with the hope of escaping, and thus risk losing life rather than endure further torture from the hands of their owners. In a few instances they have succeeded in getting to the British Consulate, and thus obtaining their freedom.

My predecessors, Mr. Consul Stoddart and Mr. Acting-Consul Chasseaud, liberated in this manner several; but latterly the cruelty practised by some British subjects resident in Alexandria and its neighbourhood became a topic of public scandal, and several slaves absconded from their owners and took refuge in the British Consulate. In consequence of which, with the sanction of Mr. Consul-General Murray, I published a decree, of which I have the honour to inclose copies in duplicate and a translation, to the effect that all British

subjects must produce, within a period of 15 days, all persons of colour residing in their houses as servants, with a certificate of liberty drawn up in due form, to be registered at the British Consulate. Previous, however, to the expiration of the above-mentioned term, I issued another decree, of which I have the honour to inclose copies in duplicate, together with a translation, quoting that portion of the Act of George IV which states the penalty to which a British subject renders himself liable by purchasing, &c. slaves. The cruelties perpetrated by some British subjects on their slaves compelled me to adopt some decided measures for checking the trade in slaves, and I trust in this instance your Lordship will approve of the means I employed. At the same time I should wish to be informed if I can, in every proved case, exact the 100*l.* penalty, and how I am to deal with those persons who are unwilling or unable to pay the amount mentioned by the Act of Parliament. I have, &c.

Viscount Palmerston, G.C.B.

F. H. GILBERT.

(*Inclosure 1.*)—*Decree issued by Consul Gilbert.*

(Translation.)

Alexandria, October 9, 1848.

WE, Francis Hastings Gilbert, Her Britannic Majesty's Consul at Alexandria in Egypt and its dependencies.

Whereas there are in Alexandria some of Her Majesty's subjects and *protégés*, who, pretending ignorance of the prohibition against buying male or female slaves, even with the intention of procuring them their liberty, and keep in their houses persons of colour thus bought, notwithstanding they are not permitted even to receive as servants such as belong to others, and who are not free :

Whereas many such persons of colour kept in houses as servants, are not free, and sometimes are ill-treated, and even sold by their masters :

We hereby enjoin all such subjects and *protégés* of Her Majesty, residing in Alexandria and dependencies, who have persons, whether male or female, of colour, in their service, to cause them to appear in person for once only in the Chancery of this Consulate at any of the usual office hours, within the period of 15 days from the date hereof, in order to ascertain whether they possess their certificate of freedom drawn in due form at the Mehkemé; and in order that the Consulate itself should make it known to those who possess such certificate, that they are free, causing to be procured from the Mehkemé a certificate for those not free, at the expense of their respective masters. This indulgence is granted for the first and only time, warning those who shall contravene the preceding injunction, as also those who shall be discovered to have persons of colour in their houses, that after the expiration of the term of 15 days as above stated, they shall undergo, in all their rigour, the penalties ordered

by the Statute anno 5 George IV, cap. 113, to which refers the Statute anno 6 and 7 of Her Majesty the Queen Victoria on the Slave Trade.

We order that the present decree be published in the usual manner, for the information of those whom it may concern.

(L.S.) F. H. GILBERT.

(*Inclosure 2.*)—*Decree issued by Consul Gilbert.*

Alexandria, October 21, 1848.

WE, Francis Hastings Gilbert, Her Britannic Majesty's Consul at Alexandria, in Egypt, and its dependencies.

In pursuance of our preceding decree of the 9th instant, and the object being to discourage Slave Trade as much as possible, it is hereby made known that from the 25th of the present month inclusive, and after, if it shall be discovered or proved that any British subject or person enjoying the British protection, keeps in his dwelling persons of colour not freed, whether of his own property or under pretence of their being the property of some other person of another nation, such persons of colour shall be caused to be liberated at the Mehkémé by means of the requisite document, which shall be procured at the expense of the contravening subject or *protégé*, who shall be further liable, in all their rigour, to the penalties ordered by the Statute anno 5 Geo. IV, cap. 113, which runs as follows :

"The person so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence the sum of 100*l.* of lawful money of Great Britain for each and every slave so dealt or traded in, purchased, sold, bartered, or transferred, carried away, removed, imported, brought, shipped, transshipped, embarked, received, detained, or confined on board, or so contracted for as aforesaid ; the one moiety thereof to the use of His Majesty, his heirs and successors, and the other moiety to the use of any person who shall inform, sue, and prosecute for the same."

Warning is given that, from the 25th instant, to the same penalties shall be liable those who shall buy, if even with the intention of liberating from slavery, or who shall sell, persons of colour.

We order that the present decree be published in the usual manner, for the information of those whom it may concern.

(L.S.) F. H. GILBERT.

No. 104.—Viscount Palmerston to Consul Gilbert.

SIR,

Foreign Office, January 22, 1849.

I HAVE received your despatch of the 7th of November last, stating that British subjects and *protégés* residing in Alexandria and

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its neighbourhood are in the habit of purchasing slaves and retaining them in their service under the appellation of servants, but without granting them certificates of liberty; and inclosing copies and translations of 2 decrees which you had issued on this subject, the one requiring all British subjects within the district of your Consulate to produce, within 15 days, all persons of colour residing in their houses as servants, with a certificate of liberty for each such person, to be registered in the British Consulate; the other, warning all British subjects that they are liable to a penalty of 100*l.* on account of each person dealt with as a slave, in contravention of the Act of the 5th Geo. IV, cap. 113.

In accordance with the opinion of the law advisers of the Crown, I have now to state to you that Her Majesty's subjects who are offenders against British law, in the manner described by you, are liable to be charged with felony, under the 10th section of the Act above mentioned, and if convicted, to be transported or imprisoned as felons; and further, that Her Majesty's Consuls in Egypt, upon obtaining sufficient evidence of the guilt of such offenders, may send them under the Order in Council of the 19th of June, 1844, to Malta, for trial under the Foreign Jurisdiction Act, 6 and 7 Victoriae, cap. 94.

I have accordingly to instruct you to issue a further decree, warning Her Majesty's subjects of the penalties to which they are liable for buying or selling slaves, and notifying to all foreign subjects who are enrolled at Her Majesty's Consulate for protection, that that protection will be withdrawn from them if they infringe in any way the statute of the 5th Geo. IV, as extended by the Statute of the 6th and 7th Victoriae, cap. 98. And in all future cases when it may come to your knowledge that any British subject residing within your Consulate has been implicated in the purchase or sale of a slave in contravention of the statute, you will not fail immediately to report to me the particulars of the case, in order that Her Majesty's Government may be able to judge of the expediency of sending the offender to Malta for trial.

While on this subject, I have to call your attention to Lord Aberdeen's circular of the 31st December, 1843, addressed to your predecessor, containing instructions for your guidance under the statute of the 6th and 7th Victoriae, and to which you appear hardly to have paid sufficient attention.

I am, &c.

F. H. Gilbert, Esq.

PALMERSTON.



FRANCE.

No. 107.—*Viscount Palmerston to the Marquis of Normanby.*

MY LORD,

Foreign Office, July 26, 1848.

WITH reference to my despatch of the 7th of December, 1846, in which I communicated to you a report made by Captain Mansel, that the Chief of Lagos, on the west coast of Africa, had caused 2,000 slaves to be put to death, and desired you to invite the French Government to instruct the officer in command of the French squadron on the west coast of Africa, to co-operate with that of Her Majesty in punishing the Chief of Lagos for the outrage; I now transmit to you, for communication to the French Government, a copy of a despatch from Commodore Sir Charles Hotham, stating that the French Admiral and himself were fully satisfied that there was no truth in the report in question.

I am, &c.

The Marquis of Normanby.

PALMERSTON.

(*Inclosure.*)—*Commodore Sir Charles Hotham to the Secretary to the Admiralty.*—(*Received May 24.*)

(*Extract.*)

Penelope, off Lagos, February 20, 1848.

WITH reference to your letter, dated 15th February, 1847, informing me of the reported murder of 2,000 slaves at Lagos, and directing me, in concert with the French Admiral, to take measures for the punishment of the inhuman abettors of so great an act of cruelty; I request you will inform their Lordships that the French Admiral and myself are fully satisfied that there was not one syllable of truth in the report.

W. A. B. Hamilton, Esq.

CHAS. HOTHAM.

No. 108.—*The Marquis of Normanby to Viscount Palmerston.*

(*Received September 8.*)

MY LORD,

Paris, September 6, 1848.

I HAVE the honour to transmit to your Lordship the copy of a note which I have received from M. Bastide respecting a complaint brought by the captain of the English vessel *Ann and Emily* against an officer of the French corvette *l'Abeille*.

I have, &c.

Viscount Palmerston, G.C.B.

NORMANBY.

(*Inclosure.*)—*M. Bastide to the Marquis of Normanby.*

M. L'AMBASSADEUR,

Paris, le 1 Septembre, 1848.

CONFORMEMENT au désir que votre Excellence m'en a exprimé le 13 Août, 1847, mon département a entretenu le Ministère de la Marine de la plainte formée par le capitaine du navire Anglais *l'Ann and Emily* contre un officier de la corvette Française *l'Abeille*,

qui, chargé de visiter ce bâtiment, en aurait emporté et gardé les papiers quelque temps à son bord.

M. le Ministre de la Marine m'a envoyé le rapport que lui a fait M. Legras, capitaine de *l'Abeille*, et il résulte de ce document que les faits ont été inexactement rapportés par le patron de *l'Ann and Emily*. Cette goëlette, expédiée de Sierra Leone, fut rencontrée par *l'Abeille*, le 17 Juin, 1847, à Weyda. Elle était commandée par un noir, ne sachant ni lire ni écrire, avait un équipage composé de noirs et 3 passagers blancs, qui, en réalité, étaient l'armateur, le subrécargue et le patron. La quantité d'eau et de bois de sapin qu'elle avait à son bord ayant inspiré des doutes à l'officier chargé de la visiter, il crut devoir prier le noir que l'on désignait comme capitaine, et le Brésilien, capitaine de fait, de venir tous 2 à bord de *l'Abeille*, en portant avec eux leurs papiers pour les faire voir au Capitaine Legras.

Celui-ci trouva que ces papiers, revêtus de 2 signatures qui paraissaient imitées, n'étaient pas satisfaisants, et il fut surpris que les autorités de Sierra Leone expédiassent des navires laissant autant à désirer sous ce rapport. Il n'arrêta cependant pas *l'Ann and Emily* et se contenta de donner avis de son passage aux croiseurs Anglais le *Hound* et *Albatross*.

Tel est, M. l'Ambassadeur, la substance du rapport, que le Contre-Amiral Montagnès de la Roque, commandant l'escadre Française des côtes occidentales d'Afrique, a envoyé sur cette affaire au Ministre de la Marine, en déclarant que le Commodore Hotham lui-même avait reconnu l'inexactitude des faits énoncés par le capitaine de *l'Ann and Emily*.

Je m'empresse de porter ces détails à la connaissance de votre Excellence, espérant qu'ils dissiperont tous les doutes que le Gouvernement de Sa Majesté Britannique a pu concevoir au sujet de cette affaire.

Agréez, &c.

M. le Marquis de Normanby.

JULES BASTIDE.

No. 109.—*Viscount Palmerston to the Marquis of Normanby.*

MY LORD,

Foreign Office, September 25, 1848.

I HEREWITH transmit to your Excellency, for communication to the French Government, a copy of a letter addressed by the acting Second Master of Her Majesty's steam-vessel *Blazer*, to Lieutenant Smith, commanding that vessel, reporting what took place on board the French brigantine *Francisco Xavier*, on the occasion of the visit of that vessel, on the 3rd of April last, by a boat from Her Majesty's steam-vessel *Blazer*, for the purpose of ascertaining her nationality.

I am, &c.

The Marquis of Normanby.

PALMERSTON.

(*Inclosure.*)—*Mr. Aldrich to Lieutenant Smith.*

SIR, Blazer, at sea, lat. 5° 44', long. 3° 46' E, April 3, 1848.

IN obedience to your orders, I have boarded the brigantine with French colours now parting company, and beg to state that I interrogated the master as to his nationality, which proved to be French by his manifest and papers.

The vessel *Francisco Xavier* is in ballast, with a large quantity of live stock on board. Having courteously asked other questions for your information, I begged to know if my proceedings in boarding him were offensive; he replied that he was perfectly satisfied with my investigation, and did not require me to state anything in his log.

I have, &c.

W. J. ALDRICH,

Lieutenant Smith.

Acting Second Master.

No. 112.—*Viscount Palmerston to the Marquis of Normanby.*

MY LORD,

Foreign Office, November 24, 1848.

I HEREWITH transmit to your Excellency, for your information, and in order to enable you if necessary to explain the facts of the case to M. Bastide, the accompanying copy of a letter and of its inclosures which has been received at this department from the Admiralty, reporting the circumstances under which the French schooner *Ecureuil* was visited in the month of November, 1847, off the west coast of Africa by Commander McMurdo of Her Majesty's ship *Contest*.

I have at the same time to inform you that the conduct of Commander McMurdo on the occasion in question appears to me to have been perfectly and in all respects proper.

I am, &c.

The Marquis of Normanby.

PALMERSTON.

(*Inclosure 1.*)—*The Secretary to the Admiralty to Lord Eddisbury.*

MY LORD,

Admiralty, November 13, 1848.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith for the information of Viscount Palmerston, a copy of a letter from Commodore Sir Charles Hotham, dated the 14th August last, with its inclosures in original, respecting the boarding of the French merchant-vessel *Ecureuil* by Her Majesty's sloop *Contest*.

I am, &c.

Lord Eddisbury.

W. A. B. HAMILTON.

(*Inclosure 2.*)—*Commodore Sir Charles Hotham to the Secretary to the Admiralty.*

SIR,

Penelope, Loanda, August 14, 1848.

I REQUEST you to lay before the Lords Commissioners of the Admiralty the inclosures marked in the margin, detailing an alleged

infraction of the Treaty of May, 1845, by Commander McMurdo, on the occasion of his visit to the French merchant schooner *Ecureuil*, on the 30th November last.

Accustomed as I am to the exaggerations and misrepresentations of the masters of French merchant-vessels, I was not prepared for an accusation based on so slight a fabric.

It is clear that Commander McMurdo was justified in not allowing a suspicious vessel to force her passage; and if M. Auguste refused to heave to, and tried to lead the *Contest* into shoal water, I cannot see that he had any other course open than to use the means invariably employed on such occasions. Nor can M. Auguste complain of being detained by the officers of the *Contest*, until the arrival of the commander, for when he decided on leaving the Gaboon without a manifest of his cargo, or certificate from the chief authorities, that circumstances prevented its delivery, he should have recollected that he laid himself open to far greater inconveniences than he in reality experienced.

I have verbally examined Commander McMurdo on every charge preferred in M. Auguste's letter, and I can conscientiously assure their Lordships that I believe him to have acted with great propriety, and to have given no cause for this extraordinary accusation.

As the correspondence was addressed to me by Rear-Admiral Montagnès de la Roque, I have thought it advisable to antedate my despatch, and thus render it unnecessary for Commodore Baudin to make any communication to me.

I have, &c.

W. A. B. Hamilton, Esq.

CHAS. HOTHAM.

(Inclosure 3.)—Rear-Admiral Montagnès de la Roque to Commodore Sir Charles Hotham.

M. LE COMMODORE, Eldorado, Rade de Gorée, le 22 Février, 1848.

J'AI l'honneur de vous adresser ci-jointe la copie du rapport que je reçois à l'instant du capitaine de la goëlette Française l'*Ecureuil*.

J'aime à croire, M. le Commodore, que M. le Commandant du *Contest* vous aura également adressé un rapport sur les faits énoncés dans celui-ci joint et parmi lesquels je ne puis que déplorer de nouveau l'emploi d'armes dont les balles n'ont fort heureusement atteint que les voiles de l'*Ecureuil*.

J'en appelle avec toute confiance, M. le Commodore, à votre haute impartialité, et je reste convaincu d'avance que si la visite s'est opérée, vous ne pourrez que désapprouver une aussi grande infraction à la Convention du 29 Mai, de l'exécution de laquelle nous sommes respectivement chargés dans le double but de l'abolir ainsi que la Traite des Noirs.

Veuillez, &c.

Sir Charles Hotham.

MONTAGNES DE LA ROQUE.

(Inclosure 4.)—Report of Captain Oddo.

Le 1 Décembre, 1847.

M LE COMMANDANT DU FORT D'AUMALE,

LE Capitaine Oddo, Auguste, commandant la goëlette Française *l'Ecureuil*, appartenant à MM. Regis, négociants à Marseille, a l'honneur de vous exposer ce qui suit.

J'ai mis sous voile du Gabon, le 26 Novembre, 1847, à bord de la susdite goëlette, en destination de Camma; mon chargement se composait de cuivrieres, fayence, eau-de-vie, armes à feu, tissus et toutes marchandises pour la traite de l'ivoire. Mon équipage se composait de 7 blancs et 2 noires libres, en tout 9 personnes.

Le 27, le 28, et jours suivants, je fis bonne route; le 30, me trouvant vers les 5 heures du soir dans le sud du Cap Lopez, j'aperçus 2 navires très loin et dans le nord-ouest; j'étais alors babord amures, c'est-à-dire je courais au large, vers les 9 heures et trente, je pris tribord, et courant à terre, mon intention étant de mouiller à la côte pour appareiller à la brise de terre.

Vers les 7 heures je fus averti par mon second qu'un navire était très près de nous de l'arrière. Je me rendis de suite sur le pont, et peu d'instants après je fus, sans aucun préambule, hélé par 3 or 4 coups de fusil et le brig *Contest* continuait à m'élonger par babord, en me criant à tue-tête et à plusieurs reprises, en Anglais, "What schooner is that?" Lui ayant répondu le nom, *Ecureuil*, l'endroit où j'allais, le navire s'éloigna de moi, et arrivé de l'avant, vira de bord et pris le large; je pensais en être quitte et je continuai ma route. Je fis route toujours dans l'intention d'aller prendre mon mouillage. Vers les 8 heures, ce dernier m'arrivait de nouveau dessus. Cette fois j'ordonnai au timonnier de loffer pour diminuer le sillage de la goëlette, et au même instant je fus assailli par une grêle de balles. "Virez de bord tout de suite," cria-t-on, "ou nous allons tirer sur vous à boulet." Je mis sur le mât tout de suite; alors le brick m'ayant passé de l'arrière, un des officiers, je crois, me dit: "Pourquoi n'avez-vous pas viré de bord? Levez vos focs, nous allons envoyer un canot à bord."

Contre la force, pas de résistance! Je virai de bord et après avoir halé bas mes focs et masqué mon petit hunier, j'attendis la disposition de ces messieurs. Enfin à 9 heures arriva un canot à bord monté par un jeune officier, un officier de troupe, et 2 matelots. L'officier de marine m'ayant interpellé d'une manière plus qu'arrogante, D'où venez-vous? Sur ma réponse, du Gabon; Où est-ce cela, le Gabon? et au même instant il voulut mettre un de ses matelots au gouvernail, ce à quoi je m'opposais formellement; alors, se précipitant dans la chambre, "Montrez-moi vos papiers." Je leur montrai mon role, mon congé, et mon acte de francisation. M'ayant demandé mon

manifeste je lui observai qu'allant dans des pays où il n'y a ni autorité, ni douane, je n'en faisais pas. "Vous devez me le montrer," et en disant cela s'étant levé en colère, "faites-moi ouvrir votre cale." L'écoutille ouverte, il s'y précipita, accompagné des 2 matelots; ayant vu plusieurs caisses de fusils, pistolets, &c. "que voulez-vous faire de ces armes?" "Acheter de l'ivoire," lui répondis-je. D'un autre côté, Messieurs les matelots avaient pris un baril de couteaux à l'abordage, et se permettaient d'en mettre dans leurs bonnets; heureusement que mes matelots s'en aperçurent et les leur firent quitter; non seulement j'étais visité, retenu dans ma route, mais encore volé! Enfin, remonté sur le pont, le susdit officier à qui je demandais s'il avait fini sa vérification et si je pouvais continuer ma route, me dit, "Non, non, je ne suis pas satisfait, vous me paraissez suspect, donnez-moi vos papiers, je vais les faire visiter au commandant." M'y étant opposé, il me dit: "eh bien, attendez, je vais faire mon rapport au commandant et nous verrons." Lui ayant observé de nouveau que le temps que je perdais était précieux, il me répondit, "eh, bien, donnez-moi vos papiers, ou attendez." Sur ce il s'embarqua de nouveau, et ce ne fut qu'à 9 heures qu'un nouveau canot arriva à bord, monté d'un officier de troupe, le même qui était venu précédemment, et le commandant en personne. Ce dernier de nouveau voulut voir mes papiers, fit de nouveau ouvrir la cale et y descendit, et après une visite la plus scrupuleuse possible, remonta sur le pont et me permit de continuer ma route.

J'avais par conséquent perdu 4 heures de temps pendant lesquelles je n'avais discontinué d'aller en dérive, ce qui fut cause que je restais encore un jour pour doubler le Cap, car le lendemain je m'en trouvais au nord et ensuite 4 heures à la disposition d'un individu que je ne suppose pas marin.

J'ai l'honneur d'observer au commandant qu'avant qu'il fut nuit, j'avais remarqué le pavillon trois couleurs à ce navire, et avais arboré les miennes à l'endroit le plus visible possible. Lorsque ce navire m'eût quitté, je fis route, et j'eus l'agrément, le lendemain au jour, de trouver 4 trous de balles dans ma grand' voile et 2 dans la misaine et à quelques pieds de la ralingue de bordure. Je vous laisse juge, si dans un grand roulis ou par la mauvaise volonté d'un individu j'avais eu à regretter la perte de quelqu'un de mon équipage ou de plusieurs, je me voyais dans la nécessité de discontinuer mon voyage ou de manquer l'opération.

Ne connaissant pas les droits qu'ont ces messieurs sur nous autres navires du commerce, et n'étant pas obligé de savoir leur langue, je serais bien aise que vous fissiez part de mon rapport à M. l'Amiral, à son arrivée au Gabon, afin qu'il puisse aviser au moyen à ce que pareils abus ne se renouvellent pas tous les jours et pour ce que nous

puissions naviguer avec toute sécurité possible, en étant du reste parfaitement en règle. Recevez, &c.

*Le Capitaine de l'Ecureuil, Commandant pour la
Maison Régis frères, négociants à Marseille,*

ATE. ODDO.

Fait à bord, le 1 Décembre, 1847.

Je prie le commandant d'observer que le lendemain j'ai été de nouveau visité par le brig Anglais le *Volwich*. Mais celui-ci en homme plus au fait des convenances (je veux parler du commandant), après m'avoir demandé où j'allais, et quelle était la nature de mon chargement, m'a laissé continuer ma route. C'est, je pense, la seule manière que nous devons souffrir une visite.

Votre dévoué,

ATE. ODDO.

(Inclosure 5.)—*Commander McMurdo to Commodore Sir C. Hotham.*
SIR, Contest, *St. Paul de Loanda*, June 26, 1848.

IN answer to your letter inclosing a complaint made by the master of the French schooner *Ecureuil*, of the *Contest* having fired into his vessel and detained him for several hours, I have the honour to state that at 5h. 30m. P.M. of the 30th November last I observed a suspicious vessel bearing S.E., close in with and running along the land; went in chase of stranger. At 7h. 20m. P.M. came up with chase, and hailed in French by an officer who spoke the language fluently, to "heave to," or "tack," in answer to which he said he could not, as his tiller was broken. The *Contest* was then in 4 fathoms water, and the evening so dark that the land, which was close to, could not be seen. The schooner continued her course, edging in shore, when I deemed it unsafe to follow her, and tacked, intending to ascertain, if possible, what she was by means of the boats, without resorting to harsh measures of any kind; but finding she did not shorten sail, and then going about 6 knots, I found it again necessary to tack and stand after her. At 7h. 30m. P.M., when we were within about 40 yards, he was again hailed in French to heave to, to which he did not make any answer. I then hailed him in English, that if he did not heave to or shorten sail, I would fire into him, to which hail no attention was paid; I then fired 6 muskets over him, upon which he then hove to at 7h. 35m. P.M.

I at once sent 2 most careful officers on board, both of whom speak the French language fluently, who did not at once clear him, as he was without a manifest of his cargo, but immediately returned to acquaint me with the circumstance, when I immediately went on board, and upon seeing his papers released him; he did not in any way express himself dissatisfied at what we had done, but, on the contrary,

voluntarily opened his hatches, when I told him that we had nothing to do whatever with what there was there, and offered to mention the circumstance of my having detained him in his log, which he said was quite unnecessary, as he considered himself in fault, having taken the *Contest* for Her Majesty's ship *Hound*, to which latter vessel he had a short time before sold some wine and other things, and said he would have recognized him, and he would at once have hove to.

I do most positively assert that there was no violence or improper behaviour exercised by the officers or crew of this vessel to those of the *Ecureuil*.

I have, &c.

Sir Charles Hotham.

A. McMURDO.

(Inclosure 6.)—Commodore Sir Charles Hotham to Rear-Admiral Montagnès de la Roque.

ADMIRAL, Penelope, St. Paul de Loanda, June 27, 1848.

IMMEDIATELY on the receipt of your letter dated February 22, 1848, I called upon the commander of the *Contest*, to make a minute and particular report of the circumstances which took place on his visit to the *Ecureuil*.

I now have the honour to transmit the statement of Commander McMurdo, by which you will perceive that he disclaims having resorted to any act of violence; that he refused to examine the hold of the *Ecureuil*, although requested to do so by the master; that he confined himself entirely to an identification of her nationality, and that the instant he discovered her to be French he left the vessel.

I trust that you will consider him justified in the course he pursued; he could not allow an unknown vessel to pass without violating his instructions and neglecting his duty, and that he did not resort to fire-arms until he was compelled by necessity.

I have, &c.

Rear-Admiral Montagnes de la Roque.

CHAS. HOTHAM.

No. 113.—M. de Montherot to Viscount Palmerston.

MY LORD,

Londres, le 13 Janvier, 1849.

CONFORMEMENT aux instructions que j'ai reçues de M. le Ministre des Affaires Etrangères, j'ai l'honneur de transmettre ci-joint à votre Excellence copie d'une plainte adressée en Mai dernier à l'officier commandant le comptoir du Gabon par le capitaine de la goëlette Française l'*Ecureuil* et dirigée contre le brick de guerre Anglais *Wanderer*, qui aurait lancé un boulet par le travers de l'*Ecureuil*, afin d'obliger cette goëlette à mettre en panne et à recevoir la visite d'un officier qui s'est rendu à son bord pour vérifier ses papiers.

Le rôle de surveillance des croiseurs Britanniques à la côte occidentale d'Afrique se borne aujourd'hui, my Lord, en ce qui concerne

les bâtiments Français, à constater l'identité de leurs pavillons dans le cas où cela est nécessaire.

Tel est, sans doute, le droit dont a entendu user le commandant du *Wanderer*; mais d'une part, le capitaine Français affirme que le commandant Anglais ne pouvait avoir aucun doute sérieux sur la nationalité de l'*Ecureuil*, ce navire, qui fait le cabotage à la côte d'Afrique, étant parfaitement connu de lui : d'un autre côté, en quoi a-t-il pu juger nécessaire de semoncer à coup de boulet un navire qui s'était empressé de hisser son pavillon et de faire route de son côté, aussitôt qu'il l'avait aperçu ?

Permettez-moi, my Lord, de faire remarquer à votre Excellence, que le commandant du *Wanderer* est celui-là même qui a déjà été, en 1847, l'objet d'un blâme officiel pour avoir outrepassé ses pouvoirs en visitant le navire les *Deux Sœurs*.

Il n'a pas semblé à mon Gouvernement que le procédé violent dont a usé cet officier pût être justifiable sous aucun point de vue, et il attend avec confiance le jugement que les autorités Britanniques porteront sur la conduite du commandant du *Wanderer*.

J'ai en conséquence l'honneur de vous prier, my Lord, de vouloir bien communiquer à l'Amirauté la pièce ci-jointe et d'avoir la bonté de me transmettre la réponse qui sera faite à votre Excellence.

Je saisis, &c.

Viscount Palmerston, G.C.B.

MONTHEROT.

(Inclosure.)—Report of Captain Oddo.

J'AI mis sous voile du Gabon le 17 Avril, 1848, en destination de Camma, rivière Ste. Catherine, où j'étais envoyé par M. Scribanis, représentant de la Maison Régis frères de Marseille.

Le 19 me trouvant dans le nord du Cap Lopez, j'aperçus un navire dans le sud, courant babord amurer; j'allais par le fait droit à sa rencontre, vent arrière, sous toutes mes voiles. Vers midi ce navire me restait par le bossoir de babord. Ayant reconnu qu'il était un navire de guerre, je fis hisser mon pavillon et j'ordonnai au timonier de venir d'un quart pour passer plus près. Vers une heure, me trouvant à petite distance de lui, je pensais qu'il était inutile de m'arrêter, croyant avoir été parfaitement reconnu et pouvoir continuer ma route. Je fus bientôt désabusé, car à peine le brick commençait à me dépasser d'une encablure par la hanche de babord, que je me vis tomber un boulet à demi longueur du navire et droit par le travers, à tel point que 4 ou 5 personnes de l'équipage se précipitèrent la face contre terre. Je me vis donc obligé, après m'être d'abord dérangé de ma route, à m'arrêter de nouveau et à perdre mon temps inutilement. Je fis haler bas les focs, carguer mes voiles hautes, et mis sur le mat. Le brick prit tribord amurer et m'envoya un officier à bord. Celui-ci après avoir pris connaissance de mon

rôle me quitta. J'appris de lui que ce navire était le *Wanderer*, Capitaine Montresor, le même qui le précédent voyage lors de mon retour au Gabon, avait envoyé sa chaloupe pour me visiter par le travers du Cap Lopez. Je dirai plus, l'officier qui venait de me visiter connaissait parfaitement ma goëlette, car dans ce précédent voyage je l'avais prévenu qu'à ma prochaine traversée l'*Ecureuil* serait peint en noir, et cet officier m'ayant demandé à acheter de la cire, je lui en avais donné quelques pains sans exiger de paiement. Nous nous étions donc quittés bons amis et je n'avais nullement lieu de penser qu'à mon prochain voyage j'eusse à éprouver aucune vexation de la part de ces messieurs.

Je continuai ma route pour Camma où j'arrivai le 23. J'y fis mes affaires et j'en repartis le 1 Mai. Le 2 du dit mois, j'aperçus un navire dans le sud-ouest à toute vue, je courrais alors tribord amurer, sous toutes voiles possible; avec une jolie brise d'est-sud-est; vers 10 heures du matin j'aperçus un second navire dans le nord-est qui faisait route à l'est tribord amurer. Ayant reconnu à ce navire un pavillon Français, naturellement je me dirigeai sur lui, d'autant plus qu'il avait mis sur mat et paraissait m'attendre. Je me dirigeai tant soit peu de ma route pour l'approcher plus promptement, pleinement convaincu que j'allais parler à un navire de guerre de ma nation. Mais je fus bien surpris de voir celui-ci amener le pavillon Français, éventer ses voiles en hissant un pavillon Anglais de la Reine et disparaître au moment où j'arrivais à portée de voix. Je reconnus alors le brick le *Wanderer*, Capitaine Montresor, le même qui après m'avoir retenu près d'une heure dans ma traversée précédente, au moyen d'un coup de boulet tiré sur moi sans aucun avertissement, et ayant mon pavillon hissé, venait encore d'user de ruse pour me retenir de nouveau.

J'ai l'honneur de prévenir M. le Commandant que mon désir est de voir mon rapport parvenir auprès de M. le Commodore commandant la station Anglaise sur les côtes d'Afrique, afin qu'il soit instruit de toutes les vexations dont je suis victime depuis mon séjour au Gabon, qui, non seulement me contrarient beaucoup, mais bien plus, me retardent et portent chaque voyage un grand préjudice aux opérations de la Maison Régis de Marseille, au service de laquelle je suis attaché.

Je le répète, la goëlette l'*Ecureuil* est parfaitement connue de tous les croiseurs Anglais. Le premier voyage, à St. Thomé, j'ai été visité par le brick Anglais *Hound*, Capitaine Wood. Un autre voyage allant à Camma, le brick *Contest* cribla mes voiles de balles; 2 officiers envoyés à mon bord au milieu de la nuit et le Commandant lui-même, visitèrent non seulement mes papiers, mais encore la cale, dans laquelle ils descendirent et visitèrent scrupuleusement. Je fus retenu pendant 4 heures assez près de la côte pour que je me visse

forcé de mouiller et d'attendre le jour pour appareiller et continuer ma route. Le lendemain, le *Woolwich* [probablement *Waterwich*] me visita de nouveau, mais je dois le dire, à l'honneur du Capitaine, il ne me fit pas perdre une minute. Un autre voyage, étant mouillé sur rade de Camma, le brick le *Kingfisher* envoya son canot à bord pour me visiter, et 2 jours après celui du *Wanderer* vint encore pour le même objet. Il est donc certain que tous les navires Anglais en croisière sur la côte connaissant la goëlette l'*Ecureuil*, et si je suis retenu à chaque traversée par le bon plaisir de MM. les Commandants, je ne vois pas possibilité de continuer mes voyages.

Par ces motifs et d'après ce qui précède, je m'adresse à vous, M. le Commandant, pour que vous vouliez bien appuyer de tout votre pouvoir pour que le présent rapport parvienne aux autorités Anglaises, afin que les vexations répétées à mon égard à chaque voyage finissent.

Je suis, &c.

Le Capitaine de la goëlette Française l'Ecureuil,

ATE. ODDO.

Fait au Gabon, le 4 Mai, 1848.

Pour copie conforme,

Le Commandant du Comptoir de Gabon, SOURDEAUX.

Au bas est ajouté : Envoyé à M. le Contre-Amiral commandant la Station des Côtes Occidentales d'Afrique, le 25 Mai dernier.

No. 114.—*Viscount Palmerston to M. de Montherot.*

SIR,

Foreign Office, January 24, 1849.

I HAVE had the honour to receive your letter of the 13th instant, inclosing a complaint made by the master of the French schooner *Ecureuil* against Commander Montresor of Her Majesty's sloop *Wanderer*, for having fired a shotted gun at his vessel in order to bring her to, to ascertain her nationality ; and for having been guilty of vexatious conduct towards him on his voyages between Gaboon and Camma on the west coast of Africa.

In reply, I have the honour to inform you that I have requested the Lords Commissioners of the Admiralty to cause an inquiry to be instituted into this matter without delay, and so soon as I shall have been acquainted with the result, I shall lose no time in communicating it to you.

I am, &c.

M. de Montherot.

PALMERSTON.

No. 115.—*Admiral Cécille to Viscount Palmerston.*—(Rec. March 13.)

MY LORD,

Londres, le 13 Février, 1849.

MALGRE le zèle scrupuleux apporté par le Gouvernement Français à l'exécution de la Convention conclue entre la France et la Grande Bretagne le 29 Mai, 1845, pour la répression de la Traite des Noirs,

l'expérience des années précédentes l'a convaincu que les résultats étaient loin de répondre à ses efforts.

Les instructions jointes à cette Convention prescrivaient aux navires Français d'arrêter dans certaines circonstances comme pirates les navires négriers appartenant à des nations avec lesquelles la France n'avait pas de Traités autorisant le droit de visite, notamment les négriers Brésiliens ; mais après avoir dans les débuts de ses opérations à la côte occidentale d'Afrique, capturé un certain nombre de négriers sous prévention de piraterie, la croisière Française a dû s'arrêter dans cette voie, en présence des acquittements prononcés par le Conseil d'Etat qui dans le plus grand nombre de cas, 11 sur 14, a ordonné la restitution de ces prises et reconnu en faveur de celles-ci un droit à des indemnités. La jurisprudence Française, naguère indécise, qui avait pu permettre de penser que les croiseurs Français étaient autorisés à traiter en pirates des négriers par cela seul que ceux-ci seraient pourvus de faux papiers ou porteurs de quelques armes, a fait place à une doctrine aujourd'hui bien arrêtée, qui exige pour qu'une pareille saisie soit valable, le concours d'un armement dans la véritable acception du mot et de faux papiers de bord.

Cette jurisprudence a contraint le Gouvernement Français à modifier dans un sens analogue, en Janvier, 1847, les instructions données à ses marins, et ceux-ci ont dû en conséquence s'abstenir de saisir des navires faisant ouvertement la traite, puisque leur arrestation n'aurait pas été validée en France, et que des indemnités considérables auraient été encourues par les capteurs. Or, la Traite des Noirs se faisant presque exclusivement aujourd'hui sous pavillon Brésilien, et la France ne pouvant arrêter les navires appartenant à cette nation par cela seul qu'ils se livrent à cet odieux trafic, mon Gouvernement est d'avis, Milord, que le maintien d'une croisière Française de 26 bâtiments, telle qu'elle a été fixée par la Convention de 1845, devient désormais sans objet, et il m'a prescrit de faire valoir sans délai auprès de votre Excellence les considérations qui le portent à provoquer dès aujourd'hui un concert avec le Gouvernement de Sa Majesté Britannique, dans le but de réduire à 12, le nombre des bâtiments Français chargés de réprimer la traite à la côte d'Afrique.

En effet, Milord, du moment que la croisière Française se trouve dans l'impossibilité de s'opposer efficacement à la traite faite par des navires Brésiliens, sa mission devient extrêmement restreinte, elle se borne à surveiller les navires Français, à visiter les navires appartenant à des nations avec lesquelles la France a contracté des Traités pour le droit de visite et à vérifier la nationalité de tout bâtiment suspect de piraterie.

Votre Excellence reconnaîtra sans peine que pour une tâche aussi

limitée, une station de 26 bâtimens est beaucoup trop considérable. Le nombre des navires marchands Français naviguant à la côte d'Afrique est très faible et la surveillance en serait pleinement assurée par le maintien dans ces parages d'une escadre Française réduite à 12 bâtimens. D'un autre côté, les négriers Portugais et Espagnols ayant à peu près renoncé à la Traite des Esclaves, et les Brésiliens seuls se livrant aujourd'hui à cette infâme spéculation, les chances d'usurpation du pavillon Français vont donc en se restreignant de plus en plus. En conséquence, et avec le droit de vérification simultanément exercé par les 2 croisières, avec une douzaine de navires bien répartis et bien mobilisés, la France pourrait pourvoir par elle-même à ce que ses navires de commerce restassent sous sa surveillance exclusive, sauf les cas très rares où la vérification du pavillon est jugée nécessaire par un croiseur étranger (ce que n'empêcherait pas d'ailleurs une croisière plus nombreuse).

A l'égard de l'usurpation possible du pavillon Français par des négriers Brésiliens ou autres, le droit de vérification des croiseurs Anglais compléterait suffisamment la police Française.

Mon Gouvernement a trop à cœur, Milord, de contribuer en tout ce qui dépendra de lui, à l'abolition de l'odieux Trafic des Noirs, et il en a donné une preuve trop éclatante en affranchissant spontanément tous les esclaves dans les possessions Françaises, pour que la pensée puisse venir à personne d'interpréter la mesure qu'il a en vue aujourd'hui comme un ralentissement de sa part dans cette œuvre d'humanité; mais amené à envisager comme des sacrifices inutiles les frais considérables occasionnés par une escadre de 26 bâtimens, ainsi que les pertes cruelles que les fatigues et l'influence d'un climat meurtrier font subir aux marins qui la composent, il m'a chargé de proposer à votre Excellence de modifier l'Article 1er de la Convention de 1845.

En vertu de l'Article X de la dite Convention, les 2 Puissances ont le droit, dans le cours de la 5ème année à partir de la signature de cet Acte, de se concerter pour décider s'il convient de le modifier ou l'abroger en tout ou en partie.

Bien que ce terme ne soit pas encore échu, j'ai la confiance que le Gouvernement de Sa Majesté la Reine de la Grande Bretagne appréciera les motifs impérieux qui portent le Cabinet Français à en devancer de très peu de mois l'expiration.

J'ai en conséquence l'honneur de vous prier, Milord, de vouloir bien me faire connaître aussitôt que possible, l'opinion de l'Administration Britannique sur la réduction à 12 navires de la croisière de 26 bâtimens entretenue par la France en vertu de la Convention du 29 Mai, 1845. Je suis autorisé à conclure avec votre Excellence un arrangement portant uniquement sur l'Article 1er, à l'effet de modifier dans ce sens la dite Convention, et établissant en outre que le

nombre des bâtimens Français affectés à la répression de la traite pourrait être élevé au-delà de 12 dans le cas où les circonstances l'exigeraient. Je saisis, &c.

S.E. le Vicomte Palmerston, G.C.B.

VICE-AMIRAL CECILLE.

No. 116.—Viscount Palmerston to Admiral Cécille.

M. L'AMBASSADEUR,

Foreign Office, March 17, 1849.

I HAVE had the honour to receive your Excellency's letter of the 13th ultimo, proposing, on the part of the French Government, that for the reasons therein stated, a modification of the 1st Article of the Convention of the 29th May, 1845, for the suppression of the Slave Trade, may be agreed to by Her Majesty's Government; to the end that the number of French vessels of war employed upon the west coast of Africa, which is fixed by that Article at 26, shall be reduced to 12.

I have great pleasure in acquainting your Excellency that Her Majesty's Government are willing, for the reasons assigned by you, to consent to the arrangement which you propose, on the condition, however, which is offered in your Excellency's letter, that if it should happen that Slave Trade should be again carried on under the French flag, the French Government will send such additional cruizers to the coast of Africa as may be necessary for putting an end to such abuse.

I have to propose to your Excellency that this modification of the 1st Article of the Convention of 1845, shall be recorded in a protocol of conference to be held at this office at such time as may be agreed upon between your Excellency and myself.

I beg leave, however, to take this opportunity of noticing what appears to me to be a misapprehension on the part of your Excellency with respect to the time when, according to the Xth Article of the Convention of 1845, the High Contracting Parties are to concert together anew, and to decide according to circumstances, whether it is fitting either to put again in force the whole or part of the Conventions of 1831 and 1833, or to modify or to abrogate the whole or part of the Convention of 1845.

The Xth Article above referred to of the Convention of 1845, states that the Convention shall come into operation 3 months after the declaration mentioned in the VIIth Article shall have been made, and that the duration of the Convention is fixed at 10 years, that is to say, 10 years from the time when the Convention began to take effect and the fifth year, the time at which the High Contracting Parties are to concert together anew, will, I conceive, of course, count from the same date.

But your Excellency in adverting to the provisions of the Xth

Article, appears to consider the fifth year as dating from the signature of the Convention.

As this interpretation of the Article would make a difference of 9 months and some days : the declaration having been signed on the 6th of December, 1845, and the Convention having therefore not come into operation until the 6th of March, 1846, I have thought it right to bring this point under your Excellency's notice at once, in order to avoid any future misunderstanding in the matter.

I am, &c.

Admiral Cécille.

PALMERSTON.

No. 117.—Admiral Cécille to Viscount Palmerston.—(Rec. March 21.)

MY LORD,

Hertford House, le 20 Mars, 1849.

J'AI reçu la lettre que vous m'avez fait l'honneur de m'écrire le 17 dernier, par laquelle votre Excellence m'informe que conformément à la demande que j'en ai faite, le Gouvernement de Sa Majesté consent à un arrangement qui, en modifiant l'Article Premier de la Convention de 1845, réduirait à 12 le nombre des bâtiments de guerre que la France entretient à la côte occidentale d'Afrique pour la répression de la Traite des Noirs, sous la condition proposée par moi-même, d'augmenter le nombre de nos croiseurs, selon les nécessités, dans le cas où il arriverait que le Commerce des Esclaves recommencerait sous le pavillon Français.

En conséquence, votre Excellence me propose de m'entendre avec elle sur le jour où nous pourrions conférer ensemble et rédiger une note modificative de l'Article Premier de la Convention de 1845, pour être annexée à la dite Convention. Je vous prie, Milord, de m'indiquer vous-même le jour et l'heure qui vous conviendront le mieux, je serai entièrement à votre disposition.

Je reconnais avec votre Excellence, que le point de départ de la période de 5 années indiquée dans l'Article X de la Convention, est la date du 6 Mars, 1846, et que la faculté que les Parties Contractantes se sont réservée de se concerter de nouveau dans le cours de la 5^{me} année ne peut être revendiquée avant le 6 Mars, 1851.

Il me reste à vous remercier, Milord, de l'adhésion que le Gouvernement de la Reine a bien voulu donner à la proposition que j'ai eu l'honneur de lui faire au nom de mon Gouvernement.

Je saisis, &c.

S.E. le Vicomte Palmerston, G.C.B.

VICE-AMIRAL CECILLE.

MUSCAT.

No. 119.—*Captain Hamerton to Visc^t. Palmerston.*—(*Rec. July 25.*)
(Extract.) *Zanzibar, February 10, 1848.*

I HAVE the honour to inform your Lordship that His Highness the Imaum has complained of the capture of several boats belonging to his subjects in the Persian Gulf by the Commodore of the Indian Naval squadron, found carrying on the Slave Trade contrary to Article III of the Treaty of 2nd October, 1845, for the suppression of the Slave Trade.

2. His Highness, when he heard first of the seizure of these boats, said they were captured without authority; that the Treaty had nothing to do with Abyssinian slaves; and that if the Treaty was intended to prevent the importation of Abyssinian slaves into his dominions, all hands were ruined; that Abyssinia was not in Africa. I have, however, now succeeded in convincing the Imaum that the boats captured were breaking the Treaty, and that Abyssinia is in Africa; and his Highness now entertains a different opinion of these matters.

3. Your Lordship will learn with pleasure that his Highness, as far as in his power lies, has issued strict orders to his officers to prevent the export of slaves from his dominions; but I plainly see the orders of the Imaum will not be very strictly enforced; for indeed his Highness's officers, as far as I have ever been able to observe, have on all occasions treated the Imaum's orders just as they thought fit, whenever such orders have in any way been at variance with their interests or inclinations. However, not one-tenth of the number of slaves usually brought from the coast of Africa have arrived at Zanzibar the last season.

4. There are several boats here from the Persian side of the Persian Gulf; and from all I can learn, they will attempt to carry away slaves even from this port. There is much talk amongst the people here relative to the refusal of the King of Persia to prohibit the importation of slaves into his ports; and there are several Persian dealers here now who are buying slaves, and who will, I certainly think, attempt to take them away clandestinely, and to do which I greatly fear they will not find any great difficulty; but they are not sufficiently expert seamen to take away any great number by stealth.

5. I have had several conversations on this subject with His Highness the Imaum, and I believe his Highness will do all he can to prevent these people taking away slaves.

Viscount Palmerston, G.C.B.

— HAMERTON.

No. 120.—*Viscount Palmerston to Captain Hamerton.*

(Extract.)

Foreign Office, September 30, 1848.

I DULY received and laid before the Queen your despatch dated the 10th of February last, relating to conversations which you had had with the Imaum of Muscat upon the occasion of some seizures of boats belonging to the subjects of the Imaum, which had been made by the Commodore of the Indian naval squadron, for being found carrying on the Slave Trade contrary to Article III of the Agreement of the 2nd of October, 1845.

Her Majesty's Government are glad to learn from your despatch, that whatever momentary uneasiness the Imaum may have felt on first hearing of these seizures, his Highness was soon convinced by your explanations and reasoning, that they were a just and inevitable consequence of the breach of law which had been committed by his subjects; and Her Majesty's Government also learn with great satisfaction, that the Imaum has issued strict orders to his officers to enforce his decree prohibiting the export of slaves from his dominions, agreeably to the engagement which his Highness has entered into with Her Majesty.

You will state to the Imaum that Her Majesty's Government feel persuaded that the time is not far distant when his Highness will look back with pride and satisfaction at the step which he has taken in this great cause of humanity. Already, at the earnest solicitation of Her Majesty's Government, the honourable example of the Imaum has happily been followed in the East by the Sultan of Turkey, and by the Shah of Persia, whereby the prohibition of the African Slave Trade has now become nearly the universal law of civilized States.

Captain Hamerton.

PALMERSTON.

No. 121.—*The Imaum of Muscat to Viscount Palmerston.*

(Received March 19, 1849.)

CONFIDING IN THE ALMIGHTY.

Zanzibar, November 11, 1848.

To the exalted in rank, the Chief of the Great, the first in dignity amongst the nobles, the most glorious, the kindest of the kind, the Right Honourable Lord Viscount Palmerston; may his desires always and in every way be fulfilled, and as certainly as the day and night succeed each other, may his dignity and prosperity be continual, and may the Lord Almighty keep the sun of his greatness, and the new moon of his benevolence, free from the eclipse. May he always continue in favour. Amen.

Afterwards the cause of writing these words of friendship is to inquire after your state and circumstances.

Now this letter I write to you because I am in extremity, in grief, and great perplexity; yet it is not proper that I should trouble you with my own affairs (things appertaining to myself), but I see not

what excuse I can make, I do not write this as a complaint, but with the intention of informing you of my distress. You have required me to abstain from carrying slaves for the Slave Trade to Yemen and Oman (on the west and east coast of Arabia), I am in obedience to the wishes of Her Majesty, and also of yourself. I have abstained from Slave Trade to the utmost extent of my power, and the great God Almighty knows that I am ready to give up my life, my dominions, and all I possess, to meet the wishes of Her Majesty. I now inform you that all the officers of Government in these countries tell me Soomalee country which is opposite to Yemen, is considered as in Africa, and that I should abstain from Slave Trade in that country. Dear Friend, you and all men know that I have no dominions in Africa except from Moka Deesha to Toonjh, which is the boundary between my dominions and those of the Portuguese; how can I prevent the Slave Trade from all Africa? Now, through the favour of God your hand is long, and reaches far, even to all people [you have power over all], and as I attend to your orders, even so will others than I; they cannot disobey, and as they are dealt with, even so will I and those belonging to me; in fact, it is not fit that I should tell you in what a state I am, you must be aware of it, and I feel that I shall be considered as deserving or more so than others, because I am your oldest friend, openly and privately. I have all confidence in your friendship, whatever you require of me, much or little, the sign is with you. I am ready. Peace be on you now and hereafter.

From the expectant slave of God's mercy,
Viscount Palmerston, G.C.B.

SAEED BIN SULTAN.

NETHERLANDS.

No. 122.—Sir Edward Disbrowe to Visc^t. Palmerston.—(Rec. April 13.)

MY LORD,

The Hague, April 11, 1848.

ON Sunday last I had the honour to receive your Lordship's despatch dated the 31st ultimo, and I have immediately written to Count Schimmelpenninck, the note of which I have the honour to inclose a copy.

I have, &c.

Viscount Palmerston, G.C.B.

E. C. DISBROWE.

(Inclosure.)—Sir Edward Disbrowe to Count Schimmelpenninck.

The Hague, April 10, 1848.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour, in obedience to the

instructions he has received, to inclose to his Excellency the Count Schimmelpenninck, President of the Council and Minister for Foreign Affairs of His Majesty the King of the Netherlands, copies of a correspondence which has passed between the Foreign Office, the Colonial Department of the British Government, the Governor of British Guiana, and the Governor-General of the Netherland Possessions in the West Indies, on the subject of certain emancipated negroes, who, according to the note of General de la Sarraz, of the 17th May, 1847, were to obtain permission to emigrate from that colony.

Notwithstanding this permission, the Governor-General of Surinam has refused to the Governor of British Guiana leave to send any agent to communicate with these negroes; and as the fate of these unfortunate people is connected with the case of the *Snow*, so long a subject of discussion between the 2 Governments, the British Government feels confident that orders will be sent forthwith to the Governor-General of Surinam to pay due attention to any agent of the Colonial Government of British Guiana, who may proceed to Surinam to communicate with these individuals, for the purpose of ascertaining their real sentiments and desires on the subject of removal.

The Undersigned, &c.

Count Schimmelpenninck.

E. C. DISBROWE.

No. 123.—*Viscount Palmerston to Sir Edward Disbrowe.*

SIR,

Foreign Office, May 8, 1848.

WITH reference to your despatch of the 12th of October last, and to previous correspondence on the subject of the export of slaves from the Dutch settlement of Curaçoa to the Island of Porto Rico, I herewith transmit to you, for your information, and for communication to Count Randwyck, an extract of a despatch from Her Majesty's Consul at Porto Rico, reporting that the inhabitants of Curaçoa have petitioned the King of the Netherlands to remove the present restrictions upon the exportation of negroes from that island, by which no slave can be removed therefrom, unless by his own consent.

I am, &c.

Sir E. C. Disbrowe, G.C.H.

PALMERSTON.

No. 125.—*Sir Edward Disbrowe to Visc^t. Palmerston.—(Rec. June 1.)*

MY LORD,

The Hague, May 27, 1848.

I HAVE the honour to inclose the copy of a note which I have received from Baron Bentinck, dated May 20, 1848.

I have, &c.

Viscount Palmerston, G.C.B.

E. C. DISBROWE.

(Inclosure.)—*Baron Bentinck to Sir Edward Disbrowe.*

M. LE CHEVALIER,

La Haye, le 20 Mai, 1848.

PAR votre office du 10 Avril dernier, vous avez bien voulu manifester le désir que des ordres fussent immédiatement donnés au Gouverneur-Général de Surinam, de prêter dûe attention à l'agent du Gouvernement Colonial de la Guyane Britannique, qui serait envoyé à Surinam dans le but d'entrer en relation avec certains nègres émancipés y indiqués afin de s'assurer de leurs intentions réelles par rapport à leur déplacement.

En réponse à cette demande je me permets, M. le Chevalier, de vous rappeler brièvement ce qui est arrivé sur la matière dans les dernières années.

Dans la lettre de la Légation Britannique, du 9 Septembre, 1844, il a été dit :

“ Her Majesty's Government do not, however, claim for the survivors of the *Snow*, the right of purchasing the freedom of their relations who are in slavery at Surinam, and Her Majesty's Government do not feel that the circumstances under which the body of the negroes serving under the Colonial Government of Surinam, and designated ‘Government Free Labourers,’ were taken possession of by the authorities of that colony, justify them in claiming as a matter of strict right from the Government of the Netherlands the unconditional freedom of all the relations of the negroes of the *Snow*, who were labourers in that body ; but Her Majesty's Government feel justified in drawing the special attention of the Government of the Netherlands to the case of those unfortunate persons, and I am instructed to express their confident hope that orders will be given to the Government of Surinam to grant immediate freedom to such amongst the Government free labourers as may be proved to be husband and wife, or child of any one of the survivors of the *Snow*. ”

Or, quelle a été la décision prise par le Gouvernement des Pays Bas sur cette demande ? Il n'a pas seulement accordé pleine liberté aux personnes sus-indiquées, mais à tous les nègres connus sous le nom d'ouvriers libres, tandis que les individus se trouvant dans les relations de famille sus-indiquées avec les nègres du *Snow* ont obtenu dispense d'une loi existante, afin de pouvoir, s'ils désirent, se rendre à Démérari.

Le Gouverneur de Surinam déclare avoir fait communiquer cette permission aux nègres, mais qu'aucun d'eux ne s'est adressé en faveur du départ pour Démérari.

Le Gouvernement des Pays Bas ayant dès-lors fidèlement rempli ses promesses, ne saurait admettre aujourd'hui une demande qui ne serait basée que sur une méfiance non méritée contre un fonctionnaire

digne de confiance, et au caractère duquel votre note du 4 de ce mois a rendu pleine justice.

Agréez, &c.

Sir E. C. Disbrowe, G.C.H.

BENTINCK.

No. 126.—*Sir Edward Disbrowe to Visc^t. Palmerston.*—(Rec. June 15.)

MY LORD,

The Hague, June 13, 1848.

IN obedience to the instructions with which your Lordship honoured me in your despatch of the 8th ultimo, on the subject of the intended removal of slaves from the Dutch Island of Curaçoa, I addressed a note on May 15 to the Netherland Government, of which, as well as of the reply, I now transmit a copy.

I have, &c.

Viscount Palmerston, G.C.B.

E. C. DISBROWE.

(Inclosure 1.)—*Sir Edward Disbrowe to Count Schimmelpenninck.*

M. LE COMTE,

The Hague, May 15, 1848.

THE British Consul at Porto Rico has addressed a despatch to Her Majesty's Government reporting that the inhabitants of Curaçoa have petitioned the King of the Netherlands to remove the present restrictions upon the importation of negroes from that island, under which restrictions, as I understand, no slave can be removed therefrom, except by his own consent.

Having, on the 27th of September last, addressed a note to General de la Sarraz, on the subject of exportation of slaves from Curaçoa to Porto Rico, and having received a reply from his Excellency on the 8th of October following, it only remains for me to place in the hands of your Excellency the inclosed extract of the despatch dated Porto Rico, March 24, 1848, and on referring to that correspondence to appeal to the known humanity of the Netherland Government to take such measures as it may deem most fitting under existing circumstances.

I have, &c.

Count Schimmelpenninck.

E. C. DISBROWE.

(Inclosure 2.)—*Baron Bentinck to Sir Edward Disbrowe.*

M. LE CHEVALIER,

La Haye, le 12 Juin, 1848.

J'AI eu l'honneur de prendre connaissance de l'office que vous avez bien voulu adresser à mon prédécesseur le 15 Mai dernier, ainsi que de vos communications antérieures par rapport à l'exportation d'esclaves à Curaçoa.

Je vous prie, M. le Chevalier, d'en agréer mes remerciements, et d'être persuadé que l'on en profitera autant que les circonstances le permettront, à l'effet de prévenir le transport des nègres pour des endroits étrangers.

Agréez, &c.

Sir E. C. Disbrowe, G.C.H.

BENTINCK.

No. 127.—*Viscount Palmerston to Sir Edward Disbrowe.*

SIR,

Foreign Office, June 17, 1848.

I HAVE received your despatch of the 27th ultimo, inclosing a copy of note which you had received from Baron Bentinck in answer to one which you addressed to that Minister in accordance with the instructions contained in my despatch, dated the 31st of March last, the object of which instructions was to obtain the transmission of orders from the Netherland Government to the Governor of Surinam, directing that officer to pay due attention to any agent of the Colonial Government of British Guiana, who might be sent to Surinam for the purpose of taking measures to remove from thence to British Guiana, such of the negroes known by the denomination of "Government Free Labourers," as had formed family ties with the negroes of the *Snow*, and who might be desirous to avail themselves of the permission granted to them by the Netherland Government to follow their relations who had already removed to British Guiana. The Netherland Government it appears refused this request, stating, as their reason for so doing that the request is based upon an unmerited distrust of the Governor of Surinam.

The Netherland Government are aware that Her Majesty's Government have fully appreciated the liberal and ready manner in which the Netherland Government responded to the original request of Her Majesty's Government with respect to the eventual removal of the negroes of the *Snow*, and Her Majesty's Government cannot but be proportionately disappointed at the tenor of the answer which has been returned to their present request.

You will state to Baron Bentinck in reply to his note, that certainly the proposal that a British agent should be sent to Surinam to communicate directly with the free negroes in question, was made in consequence of a strong doubt, which may reasonably be entertained, whether those negroes had the choice fairly put and fully explained to them, but this doubt is formed upon general reasoning, and not upon any disparaging opinion of the honour of the Governor of Surinam. Her Majesty's Government regret very much and are a good deal disappointed that the Netherland Government should not have been willing to agree to an arrangement by which that doubt might easily have been removed, and you will request the Netherland Government to bear in mind that the request which they have thus negatived is that a British officer should go to a Dutch colony to which any British subject might go without any special commission, and that he should there communicate with persons who are stated by the Dutch Government to be in a condition of perfect freedom.

The application was made to the Dutch Government from motives of courtesy, though it was not thought that in strictness any permission was necessary, but the same motives which led to its

being made will certainly prevent Her Majesty's Government from acting in this matter without the previous sanction of the Dutch Government.

I am, &c.

Sir E. C. Disbrowe, G.C.H.

PALMERSTON.

No. 131.—Sir E. Disbrowe to Viscount Palmerston.—(Rec. Aug. 20.)

MY LORD,

The Hague, August 18, 1848.

I HAVE the honour to inclose herewith the copy of a note which I have received from Baron Bentinck in reply to my note of the 22nd of September last to General La Sarraz, relative to the case of Mr. Schenley.

I have, &c.

Viscount Palmerston, G.C.B.

E. C. DISBROWE.

(*Inclosure 1.*)—Baron Bentinck to Sir Edward Disbrowe.

La Haye, le 10 Août, 1848.

LE Soussigné, Ministre des Affaires Etrangères *ad interim*, a l'honneur de répondre à la note que Sir Edward Cromwell Disbrowe, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, a adressée le 22 Septembre dernier à M. le Lieutenant-Général de la Sarraz, relativement à l'affaire de Mr. Schenley.

Le Soussigné, &c. se permet de faire remarquer à cet égard, que lors même que les observations de Lord Palmerston par rapport à l'arrêt prononcé, fussent admissibles, nos institutions s'opposeraient à y donner la suite désirée. La cour de justice à Paramaribo a prononcé en dernière instance. La demande que cet arrêt soit cassé, et les juges obligés à faire une apologie à Mr. Schenley et dans sa personne au Gouvernement Britannique, ne peut être accordée; le Gouvernement des Pays Bas en eût-il même l'intention, ne possède pas les moyens de faire obéir à un ordre à cet effet, mais étant instruit de l'arrêt prononcé, le Gouvernement Néerlandais a employé le seul moyen en son pouvoir. D'après la communication de M. le Ministre des Affaires Etrangères du 22 Avril, 1847, le Département des Colonies s'est empressé d'envoyer à Surinam l'ordre de suspendre l'arrêt sus mentionné. Cet ordre a été dûment exécuté.

Après avoir entendu le Conseil d'Etat, le Roi, par son arrêté du 15 Octobre dernier, ci-jointe en copie, a ordonné la suspension permanente de la sentence; or, l'effet de celle-ci étant par là annulé, sans entraver le libre exercice des fonctions judiciaires, le désir de l'Angleterre est dès lors essentiellement rempli, attendu que même dans le cas que Mr. Schenley retournerait à Surinam, les suites de la sentence ne pourraient plus l'atteindre. Le Gouvernement des Pays Bas en agissant ainsi a voulu donner une preuve non équivoque du haut prix qu'il attache à la bonne harmonie avec celui de la Grande Bretagne.

Le Soussigné prend en outre la liberté d'ajouter encore quelques observations à l'égard de la dépêche de Lord Palmerston du 12 Août, 1847, que Sir Edward a bien voulu communiquer à M. le Général de la Sarraz.

Sa Seigneurie veut prouver par les expressions de la sentence, que l'accusation de Mr. Schenley contre Röperhoff était fondée. " ' The Spanish Buck ' (est-il dit en substance) est une punition avec des tiges de tamarins. Environs vingt coups avec de tels bâtons ont été appliqués au nègre, étendu sur un canon, et dès lors il a été puni avec le ' Spanish Buck,' tel que Mr. Schenley l'a rapporté."

Sa Seigneurie veut bien se faire soumettre la lettre de Mr. Schenley à Lord Aberdeen, du 8 Juillet, 1843 (printed papers, p. 305), elle remarquera que le " Spanish Buck " est tout autre chose qu'un petit nombre de coups, qui n'ont pas empêché un moment celui qui les a reçu d'accomplir son travail journalier. À l'endroit indiqué, le " Spanish Buck " est décrit ainsi: " Flogged on their naked posteriors and thighs with freshly-cut tamarind-rods, until not a vestige of whole flesh can be discovered, one mass of clotted blood presenting itself to view," &c.

Qu'il soit permis d'ajouter à cette description la particularité très remarquable, que le nom de " Spanish Buck " tire son origine de la manière particulière dont le supplicié est garotté. Les genoux fixés contre la poitrine sont retenus par les bras liés aux poignets, et arrêtés par un bâton passant dans les jointures des coudes et des genoux, ainsi garotté, le malheureux est comme plié et accroupi, de manière à ne pouvoir se mouvoir dans aucune direction. Ces procédés, qui ne sont appliqués que dans les cas d'une punition extrêmement sévère, caractérisent la peine que Mr. Schenley indique à juste titre, page 312, comme " The horrible punishment of the Spanish Buck."

Si dès-lors l'enquête judiciaire a prouvé que le nègre en question a été étendu sur un canon et a reçu un petit nombre de coups, par ordre de M. Röperhoff, il en résulte la preuve convaincante que le " Spanish Buck " ne lui a pas été appliqué, et que Mr. Schenley, dans son rapport à Lord Aberdeen, s'est écarté de la vérité.

Bien qu'il eût été à désirer que le tribunal se fût déclaré incompetent pour les mêmes motifs qui ont engagé le Roi à suspendre entièrement la sentence, il y a par contre à observer que les particularités de sa conduite, par lesquelles Mr. Schenley a donné lieu au procès, ne sont nullement de la nature de celles qui lui incombaient à Surinam, en vertu des Traités existants. Son admission y a pour but l'exercice de fonctions purement judiciaires dans les cas indiqués par le Traité, et aucunement la transmission de rapports sur l'administration intérieure de la colonie, ou la conduite des habitants quant à des objets étrangers à ces fonctions. Lord Aberdeen lui-même en

accusant la réception de la série de lettres à laquelle appartient celle du 14 Août, 1843, a écrit, le 21 Décembre, 1843, à Mr. Schenley :

“ At the same time it is desirable that you should constantly bear in mind that your functions are strictly of a judicial, and not of a diplomatic character;” et plus loin, “ you will take special care to conduct your inquiries and investigations with great discretion, and that they be not of that inquisitorial nature which may give the Netherland Government just cause of complaint against you.”

Ajoute-t-on à ce qui précède la lettre de Lord Palmerston à M. Dedel, du 3 Novembre, 1840, lettre qui dans le temps a été communiquée aux autorités de Surinam, et dans laquelle il dit : “ the post of British Commissary Judge in the Mixed Court established at Surinam, under the Treaty between Great Britain and the Netherlands, for the suppression of the African Slave Trade, is of a judicial and not of a diplomatical character ; and Her Majesty’s Government, in assigning that post to Mr. Samo, had no intention to exempt him from the jurisdiction of the court of law of the country in which he is resident.”

Alors il n’est pas surprenant que le tribunal s’est jugé réellement compétent à prononcer son arrêt.

Le Soussigné ne saurait assez répéter la circonstance que les actions en question de Mr. Schenley dépassent entièrement le cercle de ses attributions judiciaires reconnues par le Gouvernement des Pays Bas, et il aime à croire que la présente communication et l’arrêté royal ci-inclus mettront un terme à la correspondance sur cette matière, à l’arrangement de laquelle son Gouvernement a fait tout ce que lui permet son devoir, joint à son désir de cultiver la bonne harmonie avec la Grande Bretagne.

Sir E. C. Disbrowe, G.C.H.

BENTINCK.

(*Inclosure 2.*)—*Royal Decree.*

(Translation.)

The Hague, October 15, 1847.

WE, William II, by the Grace of God, King of the Netherlands, Prince of Orange, Nassau, Grand Duke of Luxembourg, &c.

On the reports of Our Minister of Colonies of 2nd August and 14th October, 1847, La. B., No. 21, and La. B., No. 364 secret, tending to approve the resolution of our Governor of Surinam of the 7th June last, No. 859, by which he has seen fit, by virtue of paragraph 12 of the second title of our decree of 14th May, 1845, No. 43, enacted by publication of 3rd February, 1846, (Government paper No. 1 of the same year,) in anticipation of our decision, for reason of political import, to suspend the execution of the sentence pronounced by the Court of Justice in said colony, on the 23rd July, 1846, in the suit of G. L. Röperhoff *versus* E. W. Harrington Schenley,

British Judge Commissioner in the Mixed Court for the suppression of the Slave Trade in said colony ;

Having heard the Council of State (Report of 7 September, 1847, La. S. secret) ;

Taking into consideration that in the present case reasons of political import call for an indefinite continuance of the suspension in question ;

Have decreed, and do decree : that approving the aforesaid resolution of our Governor of Surinam, dated 7th June last, No. 849, the execution of the sentence before mentioned, shall by continuance remain suspended.

And our Minister of the Colonies is charged with the execution of the present, of which copies shall be transmitted to the Council of State and Minister of Justice, for their information.

J. C. BAUD, *Minister of Colonies.*

WILLIAM.

No. 138.—Viscount Palmerston to Sir Edward Disbrowe.

SIR,

Foreign Office, December 5, 1848.

I HAVE received your despatch of the 10th of August last, inclosing a copy of a note addressed to you on that day by Baron Bentinck in reply to that which you addressed on the 22nd of September, 1847, to General de la Sarraz on the subject of the allegations made by Mr. Schenley against Messrs. Röperhoff and Feudenberg, inhabitants of Surinam, and which allegations formed the ground of the actions-at-law brought against Mr. Schenley in that colony.

Baron Bentinck commences by stating that the institutions of the Netherlands render it impossible for the Netherland Government, even if disposed to do so, to comply with the demands made by Her Majesty's Government on this subject, which were, that the proceedings of the law courts of Surinam against Mr. Schenley and all their effects should be wholly annulled and swept away, and that on the return of Mr. Schenley to Surinam, a suitable apology should be made to him, and through him to Her Majesty's Government. But Baron Bentinck incloses a copy of a royal decree, dated the 15th of October, 1847, ordering the permanent suspension of the sentence pronounced against Mr. Schenley ; and he states that by this decree the desires of Her Majesty's Government are essentially fulfilled, because even if Mr. Schenley should return to Surinam the sentence pronounced against him could not be put in force.

Baron Bentinck then endeavours to prove that Mr. Schenley's statement with respect to an aged negro having received the punishment of the Spanish Buck by order of Röperhoff, was untrue. He states, that Mr. Schenley described the punishment called the Spanish Buck as the " being flogged on the naked posteriors and thighs with

freshly-cut tamarind rods until not a vestige of whole flesh could be discovered, one mass of clotted blood presenting itself to view ;” and Baron Bentinck adopts this description of the punishment as a true one, adding, however, that in inflicting this punishment the body of the sufferer is rendered immovable by fastening together the wrists, by placing the wrists so fastened over the knees, and by then passing a stick between the knees and the arms ; and he argues that because the negro referred to was placed over a cannon instead of being fastened in the position above described, and because he received only a comparatively small number of stripes, Mr. Schenley’s statement as to his having been punished with the Spanish Buck is untrue.

But Baron Bentinck appears to have lost sight of the fact that the sufferer in question was said to be 100 years old, and that it would probably have been impossible to place the body of so aged a man in the Spanish Buck position above described. But granting that the punishment of this aged negro was not accompanied by the full measure of cruelty which would attend a severe infliction of the Spanish Buck, it is impossible not to admit that the conduct of Röperhoff in causing so aged a person to undergo such a punishment as the court of Surinam admits that he did suffer, was barbarous and inhuman, and that the statement made by Mr. Schenley was therefore substantially correct.

Baron Bentinck then proceeds to say, that Mr. Schenley’s functions are purely judicial, and that he is not admitted into Surinam for the purpose of making reports on the interior administration of the colony or on the conduct of the inhabitants on matters not belonging to his functions ; and Baron Bentinck in corroboration of this assertion quotes a passage from a despatch addressed by the Earl of Aberdeen to Mr. Schenley on the 21st of December, 1843, in which his Lordship enjoined him “ constantly to bear in mind that his functions were strictly of a judicial and not of a diplomatic character, and to take special care to conduct his inquiries and investigations with great discretion, and that they be not of that inquisitorial nature which may give the Netherlands’ Government just cause of complaint against him.”

I presume that Baron Bentinck’s object in quoting this passage was to show that at the time that despatch was written, Her Majesty’s Government desired that Mr. Schenley should confine himself strictly within his functions as a member of the Mixed Court of Justice, and that the opinion of Her Majesty’s Government of that day differed from that of Her Majesty’s present Government as to the duties of Mr. Schenley.

But the very contrary of this is proved by the passage quoted. For though Lord Aberdeen reminded Mr. Schenley that his functions

were judicial and not diplomatic, and that it was in a judicial and not in a diplomatic capacity that he was acknowledged by the Netherland authorities, a fact which Her Majesty's present Government equally admit, yet it is manifest that Lord Aberdeen by directing Mr. Schenley to make his inquiries and investigations with discretion, not only authorized but enjoined him to continue to make investigations and inquiries, and it was of course Mr. Schenley's duty to report the result of them to the Secretary of State.

Lastly, Baron Bentinck, in justification of the proceedings of the courts of law of Surinam against Mr. Schenley, quotes from a private letter which I addressed to M. Dedel on the 3rd of November, 1840, a passage in which I stated that "the post of British Commissary Judge in the Mixed Court at Surinam was of a judicial and not of a diplomatic character, and that Her Majesty's Government, in assigning that post to Mr. Samo" (then Her Majesty's Judge in the Court), "had no intention to exempt him from the jurisdiction of the courts of law in the country in which he was resident;" and Baron Bentinck observes that such being the opinion expressed by me, it is not surprising that the court of Surinam should have considered itself competent to proceed against Mr. Schenley.

But I must observe that the question to which my private letter to M. Dedel related, and the question at issue in the case of Mr. Schenley, are entirely distinct and totally different, and that the above-quoted passage has no just bearing whatever upon the question at issue in the case of Mr. Schenley.

The action brought against Mr. Samo arose out of some private pecuniary transactions in which that gentleman had been engaged in Surinam, and the question at issue was whether his official situation exempted him from being amenable to the authority of the law courts in Surinam in regard to a private debt; and in reference to that question I stated, in my letter to M. Dedel, that as Mr. Samo's appointment was not of a diplomatic character he could not claim in that respect the immunity from civil action which belongs to diplomatic agents.

But the actions against Mr. Schenley were brought on account of a publication made in London by Her Majesty's Government in papers laid before Parliament by order of the Queen, and the charge against Mr. Schenley was founded upon an official communication made by him to his own Government in the performance of his public duty. Her Majesty's Government cannot coincide with Baron Bentinck in thinking that the court at Surinam would in the slightest degree have been justified in considering the one case as a precedent for the other.

In the first place the debt contracted by Mr. Samo was contracted in Surinam, and within the jurisdiction of the courts of that colony;

whereas the publication of Mr. Schenley's despatch took place in London, and therefore out of the jurisdiction of those courts. In the next place the debt of Mr. Samo was the result of a transaction engaged in by him in his personal capacity; whereas the despatch of Mr. Schenley was written in the performance of his official duty towards his own Government, and the publication of that despatch, which was the real cause of complaint on the part of the plaintiff at Surinam, was not the act of Mr. Schenley, but was an act with which he had nothing whatever to do, and was an act of the British Government, for which, if any complaint was to have been made, that complaint should have been made by the Netherland Government to that of Her Majesty, instead of private and personal malice being allowed to vent itself in an unjust prosecution against Mr. Schenley, and in the passing of a sentence against him which was alike inconsistent with the evidence, and a violation of international law.

You will, however, state to Baron Bentinck that Her Majesty's Government look to the substance more than to the form of things, and that as the steps taken and the orders given in this matter by the Netherland Government attain practically the result desired by Her Majesty's Government, you are instructed to state by an official note, that Her Majesty's Government are willing to accept that atonement for the misconduct of the Surinam courts; and that you have only further to express the confident hope of Her Majesty's Government that no functionaries, whether civil or judicial, of the Netherland Government, will again lend themselves to an endeavour to prevent an officer of the British Crown from faithfully performing the duties of his office.

I am, &c.

Sir E. C. Disbrowe, G.C.H.

PALMERSTON.

PERSIA.

No. 141.—*Lieutenant-Colonel Farrant to Viscount Palmerston.*

(Received July 26.)

(Extract.)

Camp, near Tehran, June 17, 1848.

I HAVE the honour to report to your Lordship that I have at last persuaded His Majesty the Shah to prohibit the importation of African slaves by sea.

On the 28th ultimo I addressed a letter to the Prime Minister, calling on his Excellency to fulfil his promise to me of bringing the subject of slavery, which had so often been discussed between us, to a satisfactory conclusion.

Some days having elapsed without my receiving any reply, on the 12th instant I addressed a second letter to his Excellency, requesting him to give me a decisive answer. The following day I received the copy of an autograph of the Shah addressed to the Prime Minister, written on the margin of my letter.

Although the Shah has not explicitly abolished the importation of African slaves into his dominions, he has virtually done so by the prohibition he has issued, forbidding their being brought by sea, as the route by land is not practicable.

Another point has also been gained, the royal order states "by sea;" this, of course, includes Mohamra. Had the wording of the firman been "by the ports in the Gulf," Mohamra, from its position, would have caused endless trouble, and would have been the great depôt of slaves from Persia. I therefore hope, my Lord, that the importation of African slaves into this country has ceased for ever.

I have the honour to inclose the Prime Minister's reply to my letter; also translations of the firmans which have been issued to the Governors of Fars and Persian Arabia.

Your Lordship's despatch of the 30th of March, which I had the honour to receive subsequent to my second letter to the Prime Minister, I have not brought to the notice of this Government; and conceiving your Lordship would desire the earliest intelligence of the success of this affair, I send off an extra messenger to Trebizond, which I trust may meet with your Lordship's approbation.

I shall dispatch a messenger to Major Hennell with a copy of the Shah's firman, and at the same time shall convey to that officer the instructions contained in your Lordship's despatch of the 31st of March.

I feel it my duty to mention to your Lordship, that the unremitting exertions of Meerza Agha, First Persian Secretary to this Mission, have greatly contributed to the successful issue of this affair.

Viscount Palmerston, G.C.B.

F. FARRANT.

*(Inclosure 1.)—Lieutenant-Colonel Farrant to Hajee Meerza Aghassee.
May 28, 1848.*

It is nearly 8 months since I first made a request of your Excellency regarding the prohibition of the importation of black slaves by the ports in the Persian Gulf. I have written and had several communications with your Excellency on this subject, and your Excellency has given me assurances, both verbally and in writing, that after the arrival of Meerza Jewad with the ratification of the Turco-Persian Treaty from Constantinople, you would bring this subject to a favourable termination. In addition to the assurances your Excellency made to me, you have often repeated the same to the gentlemen of this Mission. The promise and declaration of your Excellency is

equal to a bond of security to me, and on that account it is evident the fulfilment of your Excellency's promise is the more necessary.

The time has now arrived that your Excellency should fulfil your promise or else declare the contrary, and write me your real determination on this subject, that I may bring the same to the notice of my own Government to enable them to arrange this matter with your Excellency, and take what steps they may think necessary.

Your Excellency will oblige me by sending an answer to-day.

H.E. Hajee Meerza Aghassee.

F. FARRANT.

(*Inclosure 2.*)—*Lieutenant-Colonel Farrant to Hajee Meerza Aghassee.*
(Translation.) June 12, 1848.

WITH regard to the abolition of the traffic in negroes (slaves) by sea, it is a long time since it was promised, and your Excellency recently informed me yourself that the discussions on this subject were nearly brought to a conclusion, and that, please God, it would be completed in a few days; but as yet it has not been finished.

If the Persian Government had appreciated my representations on this subject, the prohibition would, ere this, have been sanctioned; but as this has not been the case, I am now obliged to demand a clear and decisive answer on this subject, as to whether the Persian Government will issue an order prohibiting the importation of negroes by sea or not?

If it be the intention of the Persian Government to issue this order, I request to be made acquainted with it to-day; and if it is not their intention to do so, an immediate and explicit answer is necessary to enable me to forward it for the information of my Government, and that your Excellency, after all your promises, should no longer evade giving me a decided answer on this subject.

The British Government are very anxious to know the determination of the Persian Government, and I therefore request your Excellency will be good enough to send me a positive answer, as my Government will not consent to any further delay on my part in this matter.

H.E. Hajee Meerza Aghassee.

F. FARRANT.

(*Inclosure 3.*)—*The Shah to Hajee Meerza Aghassee.*
(Translation.)

YOUR EXCELLENCY THE HAJEE, June 12, 1848 (10 Rejjeb, 1264).

LET them not bring any negroes by sea; let them be brought by land. Purely for the sake of Farrant Sahib [Lieutenant-Colonel Farrant], with whom I am much pleased, I have consented to this. On this subject write to the Governors of Fars and Arabia [Persian Arabia].

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Solely on account of the goodness of Farrant I have consented, otherwise some trifling discussions still exist between us and the English Government.

H.E. Hajee Meerza Aghassee.

THE SHAH.

(*Inclosure 4.*)—*Hajee Meerza Aghassee to Lieutenant-Colonel Farrant.*
(Translation.) *No date.*

YOUR communication regarding the negroes has been received, and its contents fully understood.

With a view to the request made by you, my sincere and esteemed friend, and solely on account of the sincere friendship and good feelings I entertain towards you, I did not consider it proper to withhold or delay the fulfilment of your request and exerted my endeavours to preserve the existing friendship between the exalted Governments of Persia and England, by laying your request in detail before His Majesty the Shah (may his dominion and sovereignty be everlasting!) at a most fortunate time. An imperative order has been issued, which evinces the exceedingly great favour entertained towards you, my honoured friend, by His Majesty the Shah, which it is evident will always increase.

The importation of negroes by sea alone is forbidden, and imperative orders will be issued to the Governors of Fars and [Persian] Arabia, that hereafter strict prohibition should be observed that no negroes should be either imported or exported, unless by land.

This affair, in fulfilment of your request, my esteemed friend, has, thank God, been concluded by the countless favours of His Majesty the Shah towards you, and by my exertions. But the Persian Ministers, too, in equal proportion require, through the friendship of the Ministers of British Government, when they make a request, that it should be acceded to.

Lieut.-Colonel Farrant.

HAJEE MEERZA AGHASSEE.

(*Inclosure 5.*)—*Firman issued by the Shah to Hoossein Khan,*
Governor of Fars.

(Translation.)

June, 1848.

To the high in rank, the pillar of nobility, Hoossein Khan, the Comptroller of State Affairs and Governor of Fars, who has been exalted and supported by the distinguished favours of His Majesty the Shah, &c. be it known, that it is a long time since a request for the abolition of the importation of negroes by sea has been made on the part of the Ministers of the British Government to the Ministers and authorities of this kingdom. But their request during this long period has not met with an answer or our consent.

But in consequence of the favour entertained by our august Sovereign towards the high in rank, the sincere well-wisher of the

State, the chosen among Christian nobles, &c. Colonel Farrant, Chargé d'Affaires of the English Government, on account of the respectful conduct and manner of proceeding which he has made manifest, and purely for the regard we entertain for him, we have accepted and complied with his request. We have ordained that hereafter that high in rank shall warn all merchants and persons passing to and fro, to discontinue to bring negroes by sea alone, and that they shall not export or import negroes except by land, which is by no means forbidden.

That high in rank will be held responsible for the fulfilment of the orders contained in this communication.

Written in the month of Rejjeb 1264. June 1848.

Hoossein Khan.

THE SHAH.

(Inclosure 6.)—*Firman issued by the Shah to the Governor of Ispahan and Persian Arabia.*

(Translation.)

June, 1848.

To the high in rank, the superior of Generals, the esteemed of the Sovereign, Meerza Nebbee Khan, chief of the Civil Law Court, and Governor of Ispahan, who has been honoured by the favour of the pure mind of the King of Kings.

Be it known, that at this time the high in rank, the noble and exalted, possessed of dignity, the pillar of the Christian nobles, the cream of the great men of Christendom, the undoubted well-wisher of the State, Colonel Farrant, Chargé d'Affaires of the exalted Government of England, who enjoys the unbounded favour of His Majesty the Shah, whose resplendent mind is desirous to gratify him, having made a friendly request on the part of the Ministers of his exalted Government to the Ministers of His Majesty the Shah, that with a view to preserve the existing friendship between the 2 exalted States, a decree should be issued from the source of magnificence, the Shah, that hereafter the importation of the Negro tribes by sea should be forbidden, and this traffic be abolished.

In consequence of this, it is ordered and ordained that, that high in rank, after perusing this firman, which is equal to a decree of fate, will feel it incumbent on him to issue positive and strict injunctions to the whole of the dealers in slaves who trade by sea, that henceforth by sea alone the importation and exportation of negroes into the Persian dominions is entirely forbidden, but not by land. Not a single individual will be permitted to bring negroes by sea without being subjected to severe punishment.

That high in rank must in this matter give peremptory orders throughout his Government, and not be remiss.

Written in the month of Rejjeb 1264. June 1848.

Meerza Nebbee Khan.

THE SHAH.

No. 143.—Viscount Palmerston to Lieutenant-Colonel Farrant.

SIR,

Foreign Office, September 6, 1848.

I HAVE received your despatch of the 17th of June last, inclosing copies of correspondence which had passed between yourself and Hajee Meerza Aghassee, together with copies of 2 firmans issued by the Shah of Persia to the Governors of Fars and of Persian Arabia, prohibiting the importation of negroes by sea into the Persian dominions.

I have to instruct you to convey to the Persian Government the sincere and cordial thanks of Her Majesty's Government for this compliance with their earnest request, and to assure the Persian Government that this act of kindness on their part will be duly appreciated by the Government of Great Britain.

I have at the same time to acquaint you that Her Majesty's Government approve of your conduct during the negotiation which has led to this satisfactory result.

I am, &c.

Lieut.-Colonel Farrant.

PALMERSTON.

No. 144.—Lieutenant-Colonel Farrant to Viscount Palmerston.

(Received September 23.)

MY LORD,

Camp, near Tehran, July 19, 1848.

I HAVE received letters from the Governors of Fars and Persian Arabia, notifying to me that in obedience to the Royal firmans addressed to them by His Majesty the Shah, they had issued orders to their dependents, and made known to the merchants the prohibition of importing black slaves (negroes) by sea, into the dominions of His Majesty the Shah.

I have, &c.

Viscount Palmerston, G.C.B.

F. FARRANT.

No. 145.—Viscount Palmerston to Lieutenant-Colonel Farrant.

(Extract.)

Foreign Office, September 25, 1848.

WITH reference to the concluding paragraph of your despatch of the 17th of June last, which states that "the unremitting exertions of Meerza Agha, first Persian Secretary to Her Majesty's Mission in Persia, have greatly contributed to the successful issue of this affair," namely, the determination of the Shah to prohibit the importation of African slaves by sea into Persia; I have to desire that you will state to Meerza Agha the sense which Her Majesty's Government entertain of his exertions in this affair.

Lieut.-Colonel Farrant.

PALMERSTON.

No. 146.—Lieutenant-Colonel Farrant to Viscount Palmerston.

(Received October 24.)

(Extract.)

Camp, near Tehran, August 16, 1848.

I HAVE the honour to inclose for your Lordship's information the copy of a despatch from Major Hennell, with the translation of an

order which has been issued by the Governor of Fars regarding the prohibition of the importation of slaves by sea into Persia, and orders to the same purport have been issued to the several chiefs of the principal ports on the Persian Coast.

Viscount Palmerston, G.C.B.

F. FARRANT.

(Inclosure 1.)—Major Hennell to Lieutenant-Colonel Farrant.

(Extract.)

Bushire, July 15, 1848.

I HAVE the honour to acknowledge the receipt of your letter under date the 19th ultimo, transmitting copies of Royal firmans addressed to the Governors of Fars and Persian Arabia, commanding them to forbid in future the importation of African slaves into Persia by sea.

2. In offering my congratulations on the successful result of your endeavours to obtain this important concession from the Persian Government, I have the honour to report for your information the receipt of a communication from his Excellency Hoossein Khan, the Governor of Fars, inclosing original orders addressed to the several chiefs of the principal places on the Persian Coast, positively prohibiting the importation of slaves into their ports. I have the honour to inclose copies and translations of the orders addressed to Sheik Nasir, the Governor of Bushire, and one to the merchants of Fars. You will observe with satisfaction that his Excellency specifically intimates in the latter part of these rukums, that the British ships of war are authorized to enforce the prohibition against the importation of slaves by sea contained in the Royal firmans.

Lieut.-Colonel Farrant.

S. HENNELL.

(Inclosure 2.)—Hoossein Khan Myamood Dowlut, Governor of Fars, to Sheik Nasir Khan Dureye Beggee, Governor of Bushire.

(Translation.)

July, 1848.

THIS high order has been issued, that the high in rank, Sheik Nasir Khan, Governor of the port of Bushire, may know that since in conformity with His Majesty's imperative firman, it has been determined and commanded that in this prosperous year, Buch Eel, and thereafter, the merchants, subjects of this high and everlasting State, shall relinquish the trade in the black slaves and slave-girls, by sea and by the ports of Fars. Any merchant desiring to prosecute the traffic in black slave girls and slaves, is free and at liberty to do so by land, from whatever quarter it may be; it is not forbidden; but by way of the sea, to embark them in vessels, they must entirely relinquish it, and not engage in this traffic. If after perusing this order any one of the merchants or others bring slaves and slave-girls by sea, he will render himself liable to punishment. That high in rank must advise and warn all the merchants and tradespeople residing at that port,

that in consideration of the concord between the two exalted States, the vessels of the British have been permitted by the Ministers of this conquering State to prevent the propagation of this trade by sea. Assuredly that high in rank will not in any way deviate from the course now laid down.

Sheik Nasir Khan.

HOOSSSEIN KHAN.

PERU.

No. 148.—Mr. Adams to Viscount Palmerston.—(Rec. Feb. 6, 1849.)

MY LORD,

Lima, December 12, 1848.

I HAVE the honour to report to your Lordship that no event connected with the subject of the Slave Trade has occurred in Peru during the present year. The attempts made during the years 1846 and 1847 to introduce slaves from New Granada have not been repeated, nor has any change taken place in the laws affecting the slave population of this country.

I have, &c.

Viscount Palmerston, G.C.B.

W. PITT ADAMS.

PORTUGAL.

No. 150.—Sir H. Seymour to Viscount Palmerston.—(Rec. May. 6.)
(Extract.)

Lisbon, April 28, 1848.

I HAVE the honour of inclosing to your Lordship the copy of a decree which appeared in the "Diario" of the 25th instant, providing for the appointment of a commission instructed to propose a plan for the best means of extinguishing slavery.

In speaking to me upon the subject, M. Gomes de Castro begged me to believe that the Government were perfectly sincere in their wish to put an end both to slave-trading and slave-holding.

With respect to the object of the commission lately appointed, the Minister said that the Government were convinced that any abrupt measure taken against slave-holding would be likely to be followed by the loss of the African colonies; that any experiments to be made in the gradual manumission of slaves would therefore be commenced in the East Indies, and that the results of the attempts there made would be the basis of extended endeavours of the same kind in Africa.

I have called the attention of M. Gomes de Castro to some deliberations and plans for the extinction of slavery, which, as I learn from a member of the Duke de Palmella's administration, had been prepared by order of his Excellency.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure.)—Decree for inquiring into the means of abolishing Slavery in the Portuguese colonies.

(Translation.)

April 14, 1848.

THE Slave Trade being already prohibited by law and Treaties in all the Portuguese possessions, and it being also in accordance with the true spirit of justice and equity on which all good policy rests, that an end should be put to negro slavery still tolerated and permitted in those possessions; the public weal requiring however that so important an alteration in the social state of those countries should be made with such prudence and forethought that fortunes may not be suddenly destroyed, nor the grant of liberty serve as an occasion for the slaves to abuse that benefit, which though entirely conformable to the principles of humanity, cannot but entail a serious sacrifice on the State as well as on the slave-owners; I am pleased to appoint a committee composed of the following members, the Councillors and Honorary Ministers of State, João de Sousa Pinto de Magalhães, and Ildefonso Leopoldo Bayard, the Councillor Antonio Ramalho de Sá, Judge of the Tribunal of Goa, the Councillor João da Costa Carvalho, Captain in the Navy, the Merchant of Lisbon, Faustino da Gama, the Lieutenant in the Navy, José Joaquim de Andrade Pinto, the Bachelor Carlos Zeferino Pinto Coelho de Castro, the first of whom shall act as president and the last as secretary, which committee, taking as a basis the principles of equity and justice, and keeping in view the laws and practice established in the Portuguese possessions, and also the lessons of experience offered by those regions where slavery has been abolished and other considerations which ought to be attended to, shall propose to me the most efficacious and proper practical means of carrying into effect the emancipation of the slaves existing in the Portuguese ultramarine territories, and shall prepare the necessary projects of law and regulations for carrying out that object.

The Minister of Marine, &c. Palace of Necessidades, April 14, 1848.

BARON DA VILLA NOVA DE OUREM.

THE QUEEN.

No. 152.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, May 12, 1848.

I HAVE received your despatch of the 28th ultimo, inclosing a copy and translation of a decree issued by the Portuguese Government

appointing a commission instructed to propose a plan for the best means of putting an end to slavery in Portuguese possessions, and I have to instruct you to congratulate the Portuguese Government upon a measure so just and wise and which does so much honour to Portugal.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 154.—Sir H. Seymour to Viscount Palmerston.—(Rec. May 25.)

MY LORD,

Lisbon, May 18, 1848.

IN obedience to the instructions conveyed to me in your Lordship's despatch of the 31st March, I addressed to M. Gomes de Castro the note of which I have the honour to inclose a copy, requesting that her most faithful Majesty might refuse compliance with the desire of the Governor-General of Angola to modify the execution of the law requiring that condemned slave-vessels should be broken up.

The reply of M. Gomes de Castro, of which also I beg to transmit a copy and translation, appearing to me to be drawn up under the impression that the application I had made was a mere repetition of that presented by Lord Howard de Walden, in the month of August, 1846, I have thought it right to call his Excellency's attention to the probability that the representations of the Governor-General of Angola had been occasioned by the receipt of orders transmitted on the 1st of September last year. At the same time I have suggested that a favourable opportunity now offered itself for instructing the new Governor-General of Angola, who is shortly to leave this capital for the seat of his Government, to use his endeavours to attain the object thus desired as well by the Government of her most faithful Majesty as by that of Great Britain.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure 1.)—Sir H. Seymour to Senhor Gomez de Castro.

M. LE MINISTRE,

Lisbon, April 25, 1848.

HER Majesty's Government have been informed that the Governor-General of Angola has represented to the Portuguese Government the difficulty of carrying into execution the Decree of 18th September, 1846, for breaking up and selling, in different lots, slave-vessels condemned by the Portuguese Prize Court at Loanda; and that his Excellency has proposed that that decree should be so far modified as to allow of such vessels being sold entire; the purchaser covenanting to break them up within 3 months from the date of the sale; and the Prize Court being invested with full powers to enforce this obligation.

In consequence of this information, I have received instructions from Her Majesty's Principal Secretary of State for Foreign Affairs

to urge her most faithful Majesty's Government to refuse compliance with this application of the Governor-General of Angola, and to recommend that if these slavers cannot be broken up they should be burnt.

Her Majesty's Government are apprehensive that if the recommendation of the Government is complied with, no such condemned vessels will ever be broken up by the purchasers, and that they will probably all go back to the Slave Trade.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

(*Inclosure 2.*)—*Senhor Gomes de Castro to Sir H. Seymour.*
(Translation.) *Foreign Office, Lisbon, May 13, 1848.*

In reply to the note which you addressed to me on the 25th April last, in which you refer to the reports of the Governor-General of Angola, on the difficulty of carrying into execution the Decree of the 10th September, 1846, which ordered vessels, condemned by the Tribunal of Prizes established at Loanda, to be broken up and sold; I have the honour to state to you that already, on the 6th September of last year, my predecessor communicated to you the orders which on the 1st of that month had been issued by the Marine Department, at the request of this office, to the said tribunal, to give entire execution to that decree, the demand made by your predecessor in his note of the 25th August, 1846, being thus acquiesced in. In the meantime, I this day communicate to the Minister of Marine your above-mentioned note, in order that his Excellency may renew the orders already sent to the said tribunal to sell the vessels condemned by it after having been broken up, with the addition of the suggestion made by his Excellency Viscount Palmerston, that when vessels cannot be thus sold, they shall in such case be burned.

I avail, &c.

Sir H. Seymour.

JOSE JOAQM. GOMES DE CASTRO.

(*Inclosure 3.*)—*Sir H. Seymour to Senhor Gomes de Castro.*
M. LE MINISTRE, *Lisbon, May 17, 1848.*

I BEG to acknowledge the receipt of your Excellency's note of the 13th instant, acquainting me that you have called upon the Minister of Marine to repeat the orders previously sent to the Governor of Angola for breaking up condemned slavers, with the additional suggestion of burning them, should they prove unsaleable.

In expressing my acknowledgments to your Excellency for this compliance with the desire of Her Majesty's Government I am anxious to call your attention to the probability that the representations of the Governor-General of Angola, alluded to in my note of the 25th April last, were occasioned by the receipt of the instructions transmitted on

the 1st of September last year, and therefore gave occasion to Her Majesty's Commissioners at Loanda to urge this point upon the consideration of Her Majesty's Government.

I would, therefore, suggest that advantage should be taken of this opportunity, when, as I am informed, a new Governor-General is about to proceed to Loanda to instruct his Excellency to give full effect to the Decree of 10th September, 1846, with the further alternative suggested by Viscount Palmerston, notwithstanding any difficulties which may be raised as to the expense of breaking up the vessels, or the impossibility of finding purchasers for them.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 155.—*Sir H. Seymour to Viscount Palmerston.*—(Rec. June 4.)
MY LORD, Lisbon, May 27, 1848.

It is proper that I should acquaint your Lordship that according to a statement which has been made to me, the fast-sailing vessel *Assombro*, of 200 tons, built at Oporto, and a regular trader with Rio de Janeiro, having been purchased by the slave-dealers, has left that port fully equipped for the purpose of slaving.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

No. 156.—*Sir H. Seymour to Viscount Palmerston.*—(Rec. June 14.)
MY LORD, Lisbon, June 8, 1848.

WITH reference to my despatch of the 18th of May, I beg to transmit a copy of a note which I have received from M. Gomes de Castro, acquainting me that fresh orders had on the 10th ultimo been sent to the Prize Court at Loanda to carry into execution the provisions of the decree for breaking up condemned slavers.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure.)—*Senhor Gomes de Castro to Sir H. Seymour.*
(Translation.) June 6, 1848.

IN addition to the note which I addressed to you on the 13th May last, with respect to the execution of the Decree of 10th September, 1846, which requires that the vessels condemned by the Prize Court at Loanda should be broken up and sold in detached portions, I have the honour to acquaint you that the Minister of Marine has informed me that on the 30th May he had transmitted fresh instructions to the Prize Court in question, to the effect that the above-mentioned decree, as well as the portaria on the same subject issued on the 1st September of last year, should be carried into execution.

I renew, &c.

Sir H. Seymour.

JOSE JOAQM. GOMES DE CASTRO.

No. 157.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, June 21, 1848.

I HEREWITH transmit to you a copy of a letter from the Admiralty, inclosing a despatch from the Commodore in command of Her Majesty's naval forces on the west coast of Africa, which despatch covers the copies of a correspondence between Commander Chads of Her Majesty's steam-vessel *Styx* and the Governor-General of Angola, on the subject of a number of slave barracoons existing at Mazula, a district in the immediate neighbourhood of the city of St. Paul de Loanda, and within the Portuguese possessions.

I have to instruct you to communicate this correspondence to the Portuguese Government, and to urge them to send out orders to the Governor-General to take the necessary steps to insure the speedy destruction of these factories at Mazula, which place is designated by that officer himself as the focus of the Slave Trade, as well as to secure the full and complete freedom of such negroes as may be found confined in the factories.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 159.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, July 12, 1848.

I HEREWITH transmit to you, for your information, a copy of a despatch which I have received from Her Majesty's Commissioners at the Cape of Good Hope, stating that Major Teixeira, the Governor of Quillimane, had absconded from that place in a slave-ship bound for Rio de Janeiro, with 500 slaves on board, and that he was accompanied in his flight by the President of the municipality, a person who had also been for some time suspected of being engaged in the Slave Trade.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 160.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, July 12, 1848.

I HAVE received your despatch of the 18th of May, 1848, inclosing copies of a correspondence which you had had with the Portuguese Minister for Foreign Affairs, relative to the breaking up of slave-vessels condemned by the Portuguese Prize Court at Loanda.

I have also received your despatch of the 8th ultimo, in which you inclose a copy of a note from M. Gomes de Castro, stating that fresh orders had been issued, under date of the 30th of May, to the Prize Court in question, to cause the decree, ordering the breaking up of condemned slavers to be strictly carried into effect.

I have to instruct you to express to Senhor Gomes de Castro the thanks of Her Majesty's Government, for the issue of the orders referred to; and at the same time to suggest to him that, if it should

be represented that the process of breaking up is troublesome and expensive, it may be answered, that a small quantity of gunpowder, properly applied, would effectually break up any slave-vessel.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 161.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, July 26, 1848.

WITH reference to your despatch of the 28th of April last, inclosing a copy of a decree issued by the Portuguese Government, providing for the appointment of a Commission to inquire into the best means for extinguishing slavery in all the Portuguese possessions, I have to desire that you will remind the Portuguese Government of this decree, and that you will ask whether any progress has yet been made in preparing the arrangement for carrying the benevolent intentions of the Portuguese Government into effect.

You will further say, that the complete enactment of such a law would tend much to conciliate public opinion in this country towards the Government of Portugal.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 162.—Sir H. Seymour to Viscount Palmerston.—(Rec. August 3.)

MY LORD,

Lisbon, July 25, 1848.

I HAD the honour of receiving on the 22nd instant your Lordship's despatch of the 12th instant.

In thanking M. Gomes de Castro on behalf of Her Majesty's Government, as I did in a note, a copy of which is herewith inclosed, for the information afforded respecting the slaver steamer which, in the month of January last had taken on board 1,800 slaves at Mayumba and Ambriz, I have signified to his Excellency the readiness with which Her Majesty's squadron on the coast would take part in any measures which might be adopted for destroying the slave depôts at Ambriz.

The proposal will, at all events, have the effect of satisfying the Portuguese Cabinet of the undiminished solicitude felt by Her Majesty's Government respecting the suppression of the trade in human beings.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure.)—Sir H. Seymour to Senhor Gomes de Castro.

M. LE MINISTRE,

Lisbon, July 25, 1848.

I HAVE received orders from Her Majesty's Government to offer to your Excellency their thanks for the information which you had the kindness to convey to them respecting the large slaving steamer under Spanish colours which, in the month of January last, was

reported to have taken on board a large number of slaves on the coast of Angola.

Her Majesty's Government feeling an undiminished desire to take, and cause to be taken, every measure by means of which the extinction of slave-trading may be promoted, have instructed me to intimate to your Excellency that the British squadron would cheerfully co-operate in any attempts which may be made, as well to destroy the slave depôts existing at Ambriz, as to prevent their being re-established.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 163.—*Sir H. Seymour to Viscount Palmerston.*—(Rec. August 3.)

MY LORD,

Lisbon, July 25, 1848.

I HAD the honour of receiving on the 22nd instant your Lordship's despatch of the 12th instant.

Major Teixeira, the late Governor of Quillimane, to whose misconduct your Lordship's despatch refers, has arrived at Lisbon, but as I learn from the Minister of Foreign Affairs, has not yet presented himself either to the civil or military authorities of the capital.

I further collect from M. Gomes de Castro, that the misdeeds of this officer will not pass unnoticed, and that measures are already in progress for bringing him either to a court-martial or before a civil court of inquiry.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

No. 164.—*Sir H. Seymour to Viscount Palmerston.*—(Rec. August 3.)

MY LORD,

Lisbon, July 25, 1848.

I HAVE had the honour of receiving your Lordship's despatch of the 12th instant, and in obedience to your Lordship's directions, have addressed to M. Gomes de Castro the note of which I beg to transmit a copy.

In offering to his Excellency the thanks of Her Majesty's Government for the fresh orders issued respecting the breaking up of slaving vessels, I have ventured to suggest the process by which their destruction may be efficaciously and unexpensively effected.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure.)—*Sir H. Seymour to Senhor Gomes de Castro.*

M. LE MINISTRE,

Lisbon, July 25, 1848.

HER Majesty's Government have learned, with much satisfaction, that fresh orders, under date of the 30th of May, had been issued at the Prize Court at Loanda by the Government of her most faithful Majesty, respecting the breaking up of condemned slave-vessels, and have directed me to offer to your Excellency their warm acknow-

ledgments for the fresh service thus rendered to the cause of humanity.

As complaints are not uncommonly made as to the trouble and expense of breaking up vessels, your Excellency will perhaps allow me to observe that experience has shown that the object is to be attained very readily by the use of a small quantity of gunpowder.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 166.—Sir H. Seymour to Viscount Palmerston.—(Rec. August 15.)

MY LORD,

Lisbon, August 8, 1848.

IN obedience to the orders conveyed to me by your Lordship's despatch of the 21st of June last, I addressed to Senhor Gomes de Castro the note of which I beg to transmit a copy.

His Excellency's reply, of which also a copy and translation are added, informs me that orders have been sent to the Governor-General of Angola to destroy, in concert with the commanding officer of the English squadron, such barracoons as may be proved to be Portuguese property, and to order the removal of such as may be shown to be the property of foreigners.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure 1.)—Sir H. Seymour to Senhor Gomes de Castro.

M. LE MINISTRE,

Lisbon, July 6, 1848.

IN obedience to instructions which I have received from Her Majesty's Government, I have the honour to transmit to your Excellency the copy of a despatch from the Commodore in command of Her Majesty's naval forces on the west coast of Africa, covering the copies of a correspondence between Commander Chads of Her Majesty's steam-vessel *Styx*, and the Governor-General of Angola, on the subject of a number of slave barracoons, existing at Mazula, a district in the immediate neighbourhood of the city of St. Paul de Loanda, and within the Portuguese possessions.

It becomes at the same time my duty to urge upon your Excellency the expediency of such immediate orders being sent out to the Governor-General as may ensure the necessary steps being taken for the destruction of these factories at Mazula, a place which is designated by that officer himself as the focus of the Slave Trade, and as may secure at the same time the full and complete freedom of all negroes who may be found confined in the factories.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

(*Inclosure 2.*)—*Senhor Gomes de Castro to Sir H. Seymour.*

(Translation.)

August 7, 1848.

HAVING informed the Minister of Marine of the receipt of your communication, dated 6th ultimo, stating the discovery of several barracoons, for the traffic of slaves, having been constructed at Mazula, his answer, dated 29th ultimo, informs me that on that day orders were issued to the Governor-General of the Province of Angola, that he, after having previously consulted the Commander of the British naval force on that station, and having procured correct information as to true owners of said barracoons, may order their demolition, when it is clearly proved that they are destined for the traffic of slaves, and that they are the property of Portuguese subjects, should they refuse to remove them on being notified, according to the Articles of the Portaria No. 1033, dated 27th April, 1848; and observing that if the proprietors of said barracoons are foreigners, they should be notified to leave the country, as they will not be allowed to trade in the Portuguese colonies, except at the places stated in a Treaty with Portugal. I renew, &c.

Sir H. Seymour.

JOSE JOAQM. GOMES DE CASTRO.

No. 167.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, August 27, 1848.

I HAVE received your despatch of the 8th instant respecting the Commission appointed by her most faithful Majesty to inquire into the best means for putting an end to Slavery in the Portuguese possessions.

I have in reply to instruct you to take an early opportunity of expressing to Senhor Gomes de Castro the earnest hope of Her Majesty's Government, that any law which may be proposed on this subject may embrace the abolition of the condition of slavery in all the colonial possessions of Portugal. You will remind his Excellency that none of the pretences upon which the continuance of slavery is excused on the Continent of America and in the West Indian Islands apply to the colonial possessions of Portugal. For in the Portuguese colonies there is no deficiency of labourers, and those very races which are brought by force and fraud to America as being peculiarly suited to labour in a hot climate, are indigenous in the colonies of Portugal. There can, therefore, really be no more palliation for the existence of slavery in the colonies of Portugal than there could be for its existence in Portugal itself; and while, on the one hand, the Portuguese Government would perform a most honourable act by wiping off entirely from the national character the stain of a criminal practice which so many civilized and Christian countries have given up, on the other hand, such a moral purification would not be

attended with any sacrifice of what is commonly called national interest.

The Portuguese Government may be sure that they would find the advantage of such a measure in the improvement which it would effect in the general character of the officers and other subjects of the Queen of Portugal in her colonial possessions; for universal experience proves that the existence of the condition of slavery in any country tends to degrade and corrupt the master class, quite as much as it afflicts and debases the slave.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 168.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, August 28, 1848.

I HAVE received your despatch of the 8th instant, inclosing a copy of a note which you addressed to Senhor Gomes de Castro, requesting that the Governor-General of Angola might be instructed to take the necessary steps for the destruction of the slave factories said to exist at Mazula, in the neighbourhood of Loanda, and a copy and translation of his Excellency's reply, in which he informs you that the Governor of Angola had been ordered to consult with the Commander of Her Majesty's ships on the west coast of Africa, and to cause the destruction of the barracoons, when proved to be destined for the Slave Trade, and to be the property of Portuguese subjects, if they should refuse to remove them; but if they should be the property of foreigners, that those foreigners would be required to leave the country, and would not be allowed to trade in the Portuguese colonies, except at places permitted by Treaty.

I have to instruct you to convey to Senhor Gomes de Castro the cordial thanks of Her Majesty's Government, for this renewed proof of the desire entertained by the Portuguese Government faithfully to fulfil the engagements of the Portuguese Crown for the suppression of Slave Trade.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 169.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, September 6, 1848.

I HEREWITH transmit to you a copy of a despatch from Her Majesty's Commissioners at Loanda, reporting the destruction of a barracoon at Benguela Velha, by the Portuguese naval forces employed in the Suppression of the Slave Trade, in consequence of its having appeared from the description of the articles found in the said barracoon, that it was clearly intended for slaves destined for exportation.

I have to instruct you to communicate that despatch to Senhor Gomes de Castro, and to state to his Excellency that Her Majesty's

Government have received with sincere satisfaction this proof of the activity of the Portuguese squadron, and of the good faith of the authorities by whom its proceedings are directed.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 170.—*Viscount Palmerston to Sir H. Seymour.*

SIR,

Foreign Office, September 14, 1848.

I HEREWITH transmit to you a copy of a despatch from Her Majesty's Commissioners at Loanda, reporting the substance of instructions which had been recently received at that place from the Portuguese Government, laying down new regulations for the proceedings of the Court of the Juiz de Direito at Loanda, with respect to the trial of the masters and crews of vessels condemned for Slave Trade, and containing suggestions for further improving the practice of that court, and for insuring the conviction and punishment of offenders against the laws of Portugal against Slave Trade.

I have to instruct you to state to Senhor Gomes de Castro that Her Majesty's Government have received with satisfaction the announcement of the improvements already ordered in the practice of the court referred to; and I have to desire that you will submit to his Excellency, for his consideration, the further suggestions made by Her Majesty's Commissioners, and which appear to me to be well calculated to attain their object.

You will state that Her Majesty's Government are of opinion that it would greatly tend to the suppression of the Slave Trade if severe punishment were inflicted on persons found engaged in that traffic, and that the situation of the Portuguese colonies on the west coast of Africa, within the limits of which Her Majesty's Government regret to perceive that, notwithstanding the activity of the Portuguese squadron and the good faith of the Governor-General of Angola, the Slave Trade is still carried on to a great extent, gives to the Portuguese Government peculiar facility for inflicting a heavy blow on the Slave Trade of Brazil, by providing for the speedy and certain administration of justice against all foreigners found prosecuting the Slave Trade within the territorial jurisdiction of the Portuguese Crown.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 172.—*Sir H. Seymour to Viscount Palmerston.*—(Rec. Sept. 25.)

MY LORD,

Lisbon, September 18, 1848.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches up to that of the 6th instant.

In obedience to your Lordship's instructions I have communicated to Senhor Gomes de Castro a copy of the letter from Her Majesty's
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Commissioners at Loanda, which formed the inclosure of the despatch of the 6th instant ; and I beg to transmit a copy of my note expressing to his Excellency the satisfaction of Her Majesty's Government on being informed of the active and well-directed efforts of the Portuguese naval force.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure.)—*Sir H. Seymour to Senhor Gomes de Castro.*

M. LE MINISTRE,

Lisbon, September 5, 1848.

I HAVE received the instructions of Her Majesty's Principal Secretary of State for Foreign Affairs to communicate to your Excellency the despatch of which I have the honour to inclose a copy, by which he has been informed of the destruction of a barracoon at Benguela Velha by the Portuguese naval forces employed in the suppression of the Slave Trade.

Her Majesty's Government have received with sincere satisfaction this proof of the activity of the Portuguese squadron and of the good faith of the authorities by whom its proceedings are directed.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 173.—*Sir H. Seymour to Viscount Palmerston.*—(Rec. Sept. 25.)

MY LORD,

Lisbon, September 18, 1848.

I BEG to transmit a copy of the note which I have addressed, as directed by your Lordship's despatch of 28th August, to Senhor Gomes de Castro, conveying to his Excellency the cordial thanks of Her Majesty's Government for the instructions given to the Governor-General of Angola to co-operate with the officer commanding Her Majesty's squadron on the west coast of Africa in the destruction of the slave factories said to exist at Mazula in the neighbourhood of Loanda.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure.)—*Sir H. Seymour to Senhor Gomes de Castro.*

M. LE MINISTRE,

Lisbon, September 18, 1848.

I HAD the satisfaction of transmitting to Her Majesty's Government your Excellency's reply to my application that the Governor-General of Angola might be instructed to take the necessary steps for the destruction of the slave factories said to exist at Mazula in the neighbourhood of Loanda, in which reply you were pleased to inform me that the Governor of Angola had been ordered to consult with the commander of Her Majesty's ships on the west coast of Africa, and to cause the destruction of the barracoons when proved to be destined for the Slave Trade and to be the property of Portuguese subjects, if they should refuse to remove them, but if they should be the property

of foreigners, that those foreigners would be required to leave the country and would not be allowed to trade in the Portuguese colonies except at places permitted by Treaty.

It is now my duty, by command of Her Majesty's Principal Secretary of State for Foreign Affairs, to convey to your Excellency the cordial thanks of Her Majesty's Government for this renewed proof of the desire entertained by the Portuguese Government faithfully to fulfil the engagements of the Portuguese Crown for the suppression of slave-trading.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 174.—Sir H. Seymour to Viscount Palmerston.—(Rec. Sept. 25.)

MY LORD,

Lisbon, September 18, 1848.

IN obedience to the instructions conveyed to me by your Lordship's despatch of the 27th August, I have expressed to Senhor Gomes de Castro in a note of which I have the honour to inclose a copy, the earnest hope of Her Majesty's Government that any law which may be proposed in consequence of the report of the commission appointed by her most faithful Majesty to inquire into the best means of putting an end to slavery in the Portuguese possessions, might embrace the abolition of the condition of slavery in all the colonies of Portugal.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure.)—Sir H. Seymour to Senhor Gomes de Castro.

M. LE MINISTRE,

Lisbon, September 18, 1848.

WHEN her most faithful Majesty was pleased to appoint a commission to inquire into the best means for putting an end to slavery in the Portuguese possessions, it was my pleasing duty to report to Her Majesty's Government the adoption of a measure directed to an object which has always excited their interest; and I have not failed to transmit, from time to time, such information as might come to my knowledge, bearing upon this question.

I am now instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to express the earnest hope of Her Majesty's Government, that any law which may be proposed on this subject, may embrace the abolition of the condition of slavery in all the colonial possessions of Portugal. I may remind your Excellency that none of the pretences upon which the continuance of slavery is excused on the continent of America and in the West Indian Islands, apply to the colonial possessions of Portugal. For in the Portuguese colonies there is no deficiency of labourers, and those very races which are brought by force or fraud to America as being peculiarly suited to labour in a hot climate, are indigenous in the colonies of Portugal. There can therefore really be no more palliation for the existence of

slavery in the colonies of Portugal, than there could be for its existence in Portugal itself; and while, on the one hand, the Portuguese Government would perform a most honourable act, by wiping off entirely from the national character, the stain of a criminal practice, which so many civilized and Christian countries have now given up; on the other hand, such a moral purification would not be attended with any sacrifice of what is commonly called national interest.

The Government of her most faithful Majesty may be sure that they will find the advantage of such a measure in the improvement which it would effect in the general character of the officers and other subjects of her most faithful Majesty in her colonial possessions; for universal experience proves that the existence of the condition of slavery in any country tends to degrade and to corrupt the master class quite as much as it afflicts and debases the slave.

In offering to your Excellency this suggestion and these observations by the order of Her Majesty's Government,

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 175.—Sir H. Seymour to Viscount Palmerston.—(Rec. Sept. 25.)

MY LORD,

Lisbon, September 18, 1848.

IT is with much satisfaction that I have received from M. Gomes de Castro the intimation conveyed in the note of which a copy is herewith transmitted, of the suggestion relative to the destruction of captured vessels by gunpowder, having been adopted by the Portuguese Government.

Orders to this effect have, as your Lordship will observe, already been dispatched to the Governor-General of Angola, an exception however being made in favour of such vessels of the above-mentioned description, as may be appropriated to the use of the State.

I have acknowledged M. Gomes de Castro's communication in a note of which I beg likewise to inclose a copy.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure 1.)—Senhor Gomes de Castro to Sir H. Seymour.

(Translation.)

Foreign Office (Lisbon), September 9, 1848.

HAVING made the Minister of Marine acquainted with your note of the 25th of July last, respecting the convenience of adopting powder, as the best means of destroying vessels taken and condemned by the Tribunal of Prizes at Loanda, as slavers, when they are not appropriated to the service of the State, I have the honour to inform you that, in a communication from said Minister, dated 29th ultimo, he tells me that on the same day, the necessary orders were issued to

the Governor-General of the Province of Angola, indicating this method as preferable to any other.

I avail, &c.

Sir H. Seymour.

JOSE JOAQM. GOMES DE CASTRO.

(*Inclosure 2.*)—*Sir H. Seymour to Senhor Gomes de Castro.*

M. LE MINISTRE,

Lisbon, September 16, 1848.

I BEG to acknowledge the receipt of the note which your Excellency did me the honour to address to me on the 9th instant.

The resolution of the Ministry, relating to the destruction by powder of all vessels taken at Loanda, like any other demonstration of a fixed purpose of putting an end to an odious traffic, will I am sure be received with great satisfaction by Her Majesty's Government; and I beg to offer to your Excellency my warm thanks for being enabled to make to them so agreeable a communication.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 177.—*Sir H. Seymour to Viscount Palmerston.*—(*Rec. Oct. 5.*)

MY LORD,

Lisbon, September 28, 1848.

I HAD the honour of receiving, on the 24th instant, your Lordship's despatch of the 14th instant, and inclosing a copy of a despatch from Her Majesty's Commissioners at Loanda.

The suggestions made by those gentlemen have been embodied in the note to M. Gomes de Castro, of which I beg to transmit a copy for the information of Her Majesty's Government.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(*Inclosure.*)—*Sir H. Seymour to Senhor Gomes de Castro.*

M. LE MINISTRE,

Lisbon, September 28, 1848.

IT is with much satisfaction that Her Majesty's Government have learned the improvements which have been ordered in the Court of the Juiz de Direito at Loanda, with respect to the trial of the masters and crews of vessels condemned for slaving.

While, however, Her Majesty's Government anticipate great advantage from the changes already prescribed, they conceive that the object in view would be further promoted by the suggestions which it is now my duty to submit to your Excellency's earnest and I trust favourable consideration.

It is the opinion of Her Majesty's Government that it would tend greatly to the suppression of the Slave Trade if severe punishment were inflicted on persons found engaged in that traffic: they are further of opinion that the situation of the Portuguese colonies on the west coast of Africa, within the limits of which it is but too

apparent that notwithstanding the activity of the Portuguese squadron and the good faith of the Governor-General of Angola, the Slave Trade is still carried on to a great extent, gives to the Government of her most faithful Majesty peculiar facility for inflicting a heavy blow on the Slave Trade of Brazil, by providing for the speedy and certain administration of justice against all foreigners engaged in that illicit pursuit within the territorial jurisdiction of the Portuguese Crown.

I come now to the 2 points which I am directed to bring under your Excellency's especial attention, both of them arising out of the VIth Article of the Decree of the 14th September, 1844.

The first relates to the construction which has hitherto been placed upon the concluding part of the Article in question, providing that in the event of a vessel being condemned and declared a good prize by the tribunal (the Prize Court) which the decree creates, a certified copy of its condemnatory sentence shall be sent to the Juiz de Direito, together with the prisoners, those, that is, who are found on board, and that such certified copy shall serve as a bill of indictment against them.

In giving effect to this provision the Prize Court have been content to take it in its strictest and most literal sense, and have confined themselves to transmitting the bare sentence.

The consequence has been, that the sentence being directed mainly against the vessels, and rarely making mention of those on board, when the trial of the latter comes on before the Juiz de Direito, nothing appears against them.

If, instead of the sentence, the Prize Court were directed to transmit the whole of the proceedings to the Juiz de Direito, either the original "autos" or a certified copy of the same, the several depositions therein contained would in most cases afford abundant matter by which the guilt of criminal parties might be established, they being of course left the full power of defending themselves in the same way and with the same latitude as if the prosecution originated in the court before which they are personally arraigned.

A preferable, because an infinitely more efficient modification of the existing legislation would, however, be to intrust the trial of the persons as well as of the property of the slave-traffickers to one and the same tribunal, that is, to the Prize Court.

It may here be observed, that as the condemnations in question would not extend to those passed by the Mixed Commission, no objection could be raised to the proposed alteration upon the grounds of decisions being exposed to the bias of foreign influence.

The second point refers to the mode of dealing with persons found on board of detained vessels, whether pending or subsequent to the adjudication of the vessel or their own trial before the Juiz de Direito.



orders, in putting an end to such barbarous traffic, has caused the greatest satisfaction to Her Majesty's Government.

I renew, &c.

Sir H. Seymour.

JOSE JOAQM. GOMES DE CASTRO.

No. 179.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, October 9, 1848.

I HAVE to refer you to the note dated the 11th of February, 1847, and addressed by M. de Portugal e Castro to Mr. Southern, stating it to be the desire of the Portuguese Government that the prisoners from Portuguese slave-vessels condemned by the Mixed Commission at the Cape of Good Hope should be sent to Loanda for trial: and I now transmit to you the accompanying copy of a despatch and of its inclosure from Her Majesty's Commissioners at the Cape of Good Hope, representing the difficulty which would exist in sending such criminals to Loando, and suggesting that they should be sent to Mozambique for trial.

I have to instruct you to communicate the inclosed papers to Senhor Gomes de Castro, and you will express to him the hope of Her Majesty's Government, that the Government of her most faithful Majesty will not hesitate to accede to a proposal which will facilitate the execution of so important a stipulation of the Treaty of 1842 as that contained in Article XII of that compact, and that they will issue the requisite instructions to their Commissioners at the Cape of Good Hope upon this point.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 180.—Sir H. Seymour to Viscount Palmerston.—(Rec. Oct. 16.)

MY LORD,

Lisbon, October 7, 1848.

I HAD the honour of receiving by the last packet your Lordship's despatch of the 14th ultimo, together with its 3 inclosures.

In obedience to your Lordship's orders, and after a conversation which I held this morning with M. Gomes de Castro, I have addressed his Excellency the note of which I beg to inclose a copy. In this I have offered, on the part of Her Majesty's Government, that the negroes taken on board the *Fortuna*, and any others found in vessels captured by Portuguese cruizers and condemned either by the Mixed Commission or by the Portuguese municipal tribunals, should be delivered to British authorities for the purpose of being conveyed to a British colony.

It is not in my power to state to your Lordship whether the offer will be accepted by the Portuguese Government; M. Gomes de Castro having declined giving any decided opinion upon the subject until he should have made himself acquainted with the papers relating to the negroes found on board the *Fortuna*.

I may however observe that the Ministry appear generally well disposed to meet the views of Her Majesty's Government as to measures connected with the repression of the Slave Trade, and this being so I have communicated the draft of the proposed Article confidentially to M. Gomes de Castro, begging him to consider it at his leisure.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(Inclosure.)—Sir H. Seymour to Senhor Gomes de Castro.

M. LE MINISTRE,

Lisbon, October 7, 1848.

HER Majesty's Commissioner at Loanda has reported to Her Majesty's Government the manner in which 20 emancipated negroes, from the Portuguese launch *Fortuna*, which was condemned by the Mixed Commission on the 27th of March last, had been provisionally disposed of by the Board of Superintendence of Liberated Africans.

Your Excellency will not fail to perceive that it was found impracticable in this case strictly to fulfil the stipulations of Annex C to the Treaty of July 3, 1842. The XIIth Article of that Annex requires that the persons taking charge of emancipated negroes should pay a stipulated sum to the Board of Superintendence; but no persons having been found willing to take charge of the negroes of the *Fortuna* on that condition, they were provisionally apprenticed, subject to the approbation of the Portuguese and British Governments, without any sum of money having been actually paid or promised to be paid to that Board.

Her Majesty's Government, under the circumstances of this case, have approved of the conduct of Her Majesty's Commissioner in his capacity of British Member of the Board of Superintendence, in entering into the provisional arrangement on behalf of these negroes which is above referred to; although, strictly speaking, the Board of Superintendence had no power to dispense with any of the stipulations in favour of apprenticed negroes, laid down in Annex C. It is unnecessary for me to point out to your Excellency that by acceding to that provisional arrangement, Her Majesty's Commissioner has relieved the Government of Angola from the obligation which would have attached to it under Article XXI of Annex C, of providing for the negroes in question, if they were not apprenticed or enlisted according to the terms of that Annex.

Having thus called your Excellency's attention to the provisional arrangement which has been entered upon by Her Majesty's Commissioners at Loanda, with respect to these 20 emancipated negroes, I have now, in pursuance of orders, to suggest to your Excellency the expediency of measures being immediately adopted by the British and Portuguese Governments, by which the negroes of the *Fortuna*, and any others who may in future be emancipated by the Mixed Commis-

sion or by the Portuguese Prize Court, may be removed to a British colony. In conformity with the instructions which I have received from Viscount Palmerston, I beg to state to your Excellency that Her Majesty's Government will be willing to take charge of, and to send to a British colony, the negroes of the *Fortuna* as well as any others who may be carried into Loanda in slave-vessels captured by Portuguese cruizers, whether condemned by the Mixed Commission or by the Portuguese municipal tribunals; long experience having taught Her Majesty's Government that the freedom of emancipated slaves can nowhere be effectually secured except in countries or colonies where the condition of slavery does not exist.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 181.—*Viscount Palmerston to Sir H. Seymour.*

Sir,

Foreign Office, October 17, 1848.

I HEREWITH transmit to you a copy and translation of a form of certificate of emancipation of negroes declared free by the Mixed Commission at Loanda, which has been drawn up by the British and Portuguese Commissioners at that place, and has been given to each of the negroes of the launch *Fortuna*, which was captured with 20 slaves on board by the Portuguese schooner of war *Nimfa*, and was condemned by the Mixed Commission on the 27th of March last.

I have to acquaint you that Her Majesty's Commissioners have stated that if the form in question should receive the approval of the British and of the Portuguese Governments, it is the intention of the Mixed Commission that it shall be adopted in any future basis which may occur.

I have accordingly to instruct you to communicate the form in question to Senhor Gomes de Castro, to state to him that it appears to Her Majesty's Government to be drawn up with great care and to be very well adapted for its purpose, and you will request him, if he sees no objection thereto, to signify the acquiescence of his Government in its adoption.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 182.—*Sir H. Seymour to Viscount Palmerston:—(Rec. Nov. 3.)*

MY LORD,

Lisbon, October 26, 1848.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 9th instant.

A copy of the inclosure to your Lordship's despatch has, in compliance with your orders, been communicated to M. Gomes de Castro, to whom at the same time I addressed the note of which I beg to

inclose a copy, suggesting that the prisoners from Portuguese slavers condemned by the Mixed Commission at the Cape of Good Hope should be sent for trial to Mozambique. I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(*Inclosure.*)—*Sir H. Seymour to Senhor Gomes de Castro.*

M. LE MINISTRE,

Lisbon, October 25, 1848.

YOUR Excellency will find, by reference to a note addressed by Don Manuel de Portugal to Mr. Southern on the 11th February, 1847, that the Government of her most faithful Majesty have expressed a wish that prisoners from Portuguese slave-vessels condemned by the Mixed Commission at the Cape of Good Hope should be sent for trial to Loanda.

That note, after communication with the Cape of Good Hope, having been again under the consideration of Her Majesty's Government, I am instructed to communicate to your Excellency the copy of a despatch from Her Majesty's Commissioners at the Cape, representing the difficulty which would exist in sending such prisoners to Loanda, and suggesting that their trial should take place at Mozambique.

I am at the same time directed to express to your Excellency the hope of Her Majesty's Government, that the Government of her most faithful Majesty will not hesitate to accede to a proposal which will facilitate the execution of so important a stipulation of the Treaty of 1842 as that contained in the XIIth Article of that compact, and that they will in consequence cause the requisite order to be dispatched to their Commissioner at the Cape of Good Hope.

Your Excellency will perceive from the inclosed despatch that the suggestion respecting the conveyance of prisoners to Mozambique, although adopted by the English Commissioners and by Her Majesty's Government, was made by the Portuguese Commissioner, and that it was founded upon considerations of the difficulty and expense attendant upon the conveyance of prisoners to Angola.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 183.—*Sir H. Seymour to Viscount Palmerston.*—(*Rec. Nov. 18.*)

MY LORD,

Lisbon, November 8, 1848.

IN obedience to the orders contained in your Lordship's despatch of the 17th ultimo, and which reached me on the 3rd instant, I have in a note of which I have the honour of inclosing a copy, communicated to Senhor Gomes de Castro the form of certificate of the emancipation of negroes drawn up by the Commissioners at Loanda, intimating to his Excellency at the same time the approbation by Her

Majesty's Government of the form in question, and requesting to be informed whether it meets with that of the Portuguese Government.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(*Inclosure.*)—*Sir H. Seymour to Senhor Gomes de Castro.*

M. LE MINISTRE,

Lisbon, November 4, 1848.

IN obedience to orders which I have received from Her Majesty's Government, I have the honour of communicating to you a copy and translation of a form of certificate of the emancipation of negroes declared free by the Mixed Commission at Loanda, which has been drawn up by the British and Portuguese Commissioners at that place, and has been given to each of the negroes of the launch *Fortuna*, captured by the Portuguese schooner of war *Nimfa*, and condemned by the Mixed Commission on the 27th of March last.

It is my further duty to state to your Excellency that as this form appears to Her Majesty's Government to be drawn up with great care and to be very well adapted to its purpose, Her Majesty's Government on their part approve of the intention of the Mixed Commission, that it shall be adopted in any future cases which may occur, should the proposal be equally sanctioned by the Government of her most faithful Majesty.

Should this acquiescence be obtained, I will request that it may be signified to me.

I avail, &c.

Senhor Gomes de Castro.

G. H. SEYMOUR.

No. 184.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, December 5, 1848.

I HAVE to refer you to the Decree issued by her most faithful Majesty on the 14th of April, 1848, a copy and translation of which were inclosed in your despatch of the 28th of that month, appointing a Commission to inquire into and report upon the most efficacious and proper practical means of emancipating the slaves in the Portuguese colonies, and to prepare the necessary projects of law and regulations for carrying out that object; and I have now to instruct you to ask M. Gomes de Castro what progress the Portuguese Government are making in regard to the proposed law, and to say that Her Majesty's Government anxiously hope that this humane and benevolent law may soon be passed.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No 185.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, December 16, 1848.

I HEREWITH transmit to you a copy of a letter which was addressed on the 20th of July last, by the Commodore of Her Majesty's

squadron on the west coast of Africa, to Senhor da Cunha, late Governor of Angola, on the occasion of his relinquishing the command of that province. You will perceive that Commodore Hotham expresses to Senhor da Cunha his thanks for the cordial co-operation which he had received from him in all matters connected with the suppression of the Slave Trade, and for the assistance which he had invariably afforded to Her Majesty's cruisers.

I have to instruct you to communicate this paper to the Portuguese Government, and to state that Her Majesty's Government highly appreciate the energy and good faith which have distinguished the administration of that high-minded and meritorious officer.

I am, &c.

Sir H. Seymour.

PALMERSTON.

(*Inclosure.*)—*Commodore Sir C. Hotham to the Governor of Angola.*
SIR, Penelope, *St. Paul de Loanda*, July 20, 1818.

UNDERSTANDING that your Excellency will shortly relinquish the government of this colony, I do myself the honour to request your Excellency to accept my thanks for the cordial co-operation which you have been pleased to render in all matters connected with the suppression of the Slave Trade.

The assistance which your Excellency has invariably afforded to the cruisers of Her Britannic Majesty calls for my sincere acknowledgments. The resources of the port have been placed entirely at their disposal, and their wants supplied as far as circumstances permitted.

It will be my duty to make Her Majesty's Government acquainted with these services; and I am satisfied that they will be highly gratified with the loyalty and sincerity which the Representative of her most faithful Majesty has carried out the desire of the 2 Governments, and thankful for the ready aid granted to their ships.

I have, &c.

The Governor of Angola.

CHAS. HOTHAM.

No. 187.—*Sir H. Seymour to Viscount Palmerston.*—(*Rec. Dec. 29.*)
MY LORD, *Lisbon, December 20, 1848.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 5th instant.

In reply to your Lordship's inquiries, I beg to acquaint you, that the Commission appointed under the Decree of the 14th of April last, has concluded its inquiries into the means the best adapted for the eventual emancipation of slaves in the Portuguese colonies, and is at present engaged in the task of preparing their report for the consideration of the Government and the Cortes.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

No. 188.—*Sir H. Seymour to Visc^t. Palmerston.*—(Rec. Jan. 6, 1849.)
 MY LORD, *Lisbon, December 27, 1848.*

IN obedience to the instructions contained in your Lordship's despatch of the 16th instant, I have the honour to inform your Lordship that I have communicated to the Portuguese Government, the letter of Commodore Hotham to Senhor da Cunha, late Governor of Angola, and I have stated to Viscount de Castro, that Her Majesty's Government highly appreciate the energy and good faith which has distinguished the administration of that high-minded and meritorious officer.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

P.S. *December 29, 1848, 4 P.M.*—Since writing the above I have received from Viscount de Castro the note (of which I have the honour to inclose a copy and translation) in answer to the communication which I addressed to his Excellency in conformity with your Lordship's instructions.

G. H. S.

(*Inclosure.*)—*Senhor Gomes de Castro to Sir H. Seymour.*

(Translation.) *Foreign Office, Lisbon, December 29, 1848.*

I HAVE the honour to acquaint you that I brought to the knowledge of the Marine Department the note which you were pleased to address to me on the 26th instant, as also the copy of the flattering letter inclosed therein, and which the Commodore of the British naval forces on the west coast of Africa addressed to the Counsellor Pedro Alexandrino da Cunha, when he left the government of that province; and in thanking you for that communication, so very flattering to Her Majesty's Government, I have to assure you that Her Majesty, duly appreciating the services rendered by that meritorious officer, his probity, intelligence, and efficacy, had on his arrival conferred on him the decoration of Commander of the Order of the Tower and Sword, of Valour, Loyalty, and Merit, and had bestowed on him the command of the *Vasco da Gama*, 80-gun ship, which will shortly sail for Rio de Janeiro, Her Majesty's Government hoping by this means, not only to honour the merit of that distinguished officer, an act of the justice of which they would be, if possible, more assured, from the testimony just received from Her Britannic Majesty's Government, but at the same time to give a stimulus to the fresh authorities, as well in the good government of those provinces, as more especially in the active and vigilant persecution of the abominable traffic of slaves, which last object they are anxious to promote.

I renew, &c.

Sir H. Seymour.

VISCONDE DE CASTRO.

(Inclosure 1.)—Commodore Sir C. Hotham to the Secretary to the Admiralty.

SIR, Penelope, *St. Helena*, November 1, 1848.

WITH reference to your despatch dated 17th July, 1848, covering a letter from Her Majesty's Under-Secretary of State for Foreign Affairs to the Minister at Lisbon, suggesting that the British squadron on the coast of Africa would cheerfully co-operate in the destruction of barracoons or slave factories at Ambriz; I have the honour to transmit the copy of a letter which I addressed to the officer commanding the Portuguese squadron on the West Coast, tendering the services of Her Majesty's cruizers for the same object, and his reply.

Their Lordships will observe that M. Cordeiro declines the assistance of our vessels, and informs me that he has made an arrangement for the entire destruction of the barracoons at Ambriz and entertains no doubt of complete success.

I have, &c.

The Secretary to the Admiralty.

CHAS. HOTHAM.

(Inclosure 2.)—Commodore Sir C. Hotham to Captain Cordeiro.

SIR, Penelope, *St. Paul de Loanda*, October 9, 1848.

IN the conversation which I had the honour of holding on board the *Oito de Julho* yesterday afternoon, you were pleased to inform me that the instructions you had received from the Minister of Marine at Lisbon directed you to cause to be at once destroyed any barracoons which the British cruizers may officially acquaint you as existing for objects of Slave Trading, whenever the persons charged with this service, and who must always be Portuguese, may find in such barracoons, slaves, or even any goods which may be proved for the purpose of the traffic; and you were also pleased to intimate your readiness to fulfil the letter of the instructions whenever such a notification should be made.

I have now the honour of acquainting you that several barracoons, employed for the purpose of the Slave Trade, exist to the south of this city. I will particularly mention Cape St. Bras, to the south of Coanza, and Punto Longo. There are also to the north large establishments at Ambriz and Mazula.

It would afford me peculiar satisfaction to have it in my power to acquaint my Government that their destruction had been effected, in accordance with the wish of the 2 Governments; and yesterday I received with great pleasure your assurance that such was your intention.

Our respective instructions appear to prohibit the co-operation of the British naval forces; but it is my duty to place them entirely at your disposal, and to express our readiness to act in any way you may desire.

I transmit the copy of my orders relative to this service, and avail myself of this opportunity to assure you that it affords me great satisfaction to co-operate with any officer who appears to have the suppression of the Slave Trade so much at heart.

I have, &c.

Captain Cordeiro.

CHAS. HOTHAM.

(Inclosure 3.)—*Captain Cordeiro to Commodore Sir C. Hotham.*

(Translation.)

Loanda, October 10, 1848.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

I HAVE the honour to acknowledge the receipt of a despatch which your Excellency forwarded to me, under date October 9th, as well as copies of 4 notes which had been exchanged between the Governments of Her Britannic Majesty and of her most faithful Majesty my august Sovereign, relative to the burning of the barracoons in which the wicked contrabandistas concerned in the infamous slave traffic place their unfortunate victims as well as the prohibited articles with which they ruthlessly torture the unhappy human race.

In fulfilment of my duty, I am to signify to your Excellency that I was already acquainted with their contents, and that they are entirely in accordance with the order of the Government of my august Sovereign because it is there explicitly settled by agreement of the Governments of the 2 nations, of the oldest alliance, in virtue of which I have the honour to inform your Excellency that the destruction of the barracoons on Portuguese territory can only be effected by the subjects of the said august Sovereign. And notwithstanding that I have the best-grounded hopes in the success in the destruction of the barracoons, it would have given me the greatest satisfaction that these my most sanguine designs should have been happily conducted under the auspices of your Excellency, but the positive orders which I have already transmitted, are in this one thing diametrically opposed.

I avail, &c.

Sir C. Hotham.

M. J. DA SILVA CORDEIRO.

(Inclosure 4.)—*Instructions for the Commander of the brig Mondego, Captain-Lieutenant Francisco J. Guimaraes.*

(Translation.)

Loanda, corvette Oito de Julho, October 13, 1848.

1st. You will to-day, the 18th of the present month, profit by the first opportunity and sail from the port of Loanda in the brig under your command, and in your quality as cruizer examine all the most noted places on the coast, included between Ambriz in the Dandy, Mazula, and Mazula Grande, and Mazula Pequeno, using the most zeal and diligence in your search, and landing, in the quietest way possible, if you should discover barracoons containing proofs of their being

used in the infamous slave traffic, conformably with the Decree of December 10, 1836, which I subjoin, and having ascertained that there is proof of their participation, you will proceed as the Government of her most faithful Majesty has thought proper to direct in the despatches of May 22 and July 1, 1847, a copy of which is also transmitted. And as soon as this important service may be concluded, you will return to the port of Loanda and inform me of the manner in which you have executed this important commission, being a superior officer in whom, according to the recommendation of Her Majesty, I deposit my entire confidence.

I enjoin upon you to obtain the most satisfactory results possible in the service you are to execute.

I expect from your intelligence and sailor-like abilities, of which you have given on all occasions the fullest proof, that this important service may be so concluded as to enable me to report it favourably to the Government of her most faithful Majesty.

In this commission it is also your duty to observe the faithful execution of the Treaty of July 3, 1842, which expressly determined the abolition of the Slave Trade in the colonies belonging to the Portuguese Crown, with which documents you are furnished, as well as the other resolutions of our Government in that particular; it is also important, that you should recollect and fulfil the punctual execution of the despatch dated May 29, 1846, the true copy of which is also attached, remembering that you are responsible for the detention of vessels on this coast, whose nationality is not English, and who may be acting in contravention of the Treaty of July 3, 1842, whenever you may not be able to prove before the competent tribunal of prizes, in the proper and legal manner, that the vessel was detained within the line of boundary, which is a distance of 3 miles from the shore.

You will begin your operations at Ambriz, landing at night, so that you may be able to prevent retreat into the interior. I equally call your attention to any small boats, such as canoes, launches, &c. who might be able to warn the slave-dealers of Ambriz and the Dandy. I besides remind you that the greater part of these small craft are to be found within the 3 miles.

Captain F. J. Guimaraes.

M. F. DA SILVA CORDEIRO.

No. 190.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, January 16, 1849.

IN the month of December 1847, I received from Viscount Moncorvo a note, of which I inclose a copy, proposing on the part of the Portuguese Government, on the ground of economy, and for other reasons therein stated, that the Mixed Commissions established in Jamaica

and in the Cape Verd Islands under the Treaty of 1842, for the suppression of the Slave Trade, should be abolished, and requesting the assent of Her Majesty's Government to that proposal.

In the answer which I returned to Viscount Moncorvo, and of which also I inclose a copy, I expressed the willingness of Her Majesty's Government to abolish the Mixed Commissions in Jamaica and the Cape Verds, if the Portuguese Government would consent to the establishment of a Mixed Commission at Sierra Leone, and with this view I prepared a draft of an Additional Convention which I was prepared to send to you for the approval of the Portuguese Government, but which I first sent to Viscount Moncorvo for any observations which he might be pleased to make to me thereupon.

Having, however, received no further communication upon this subject from Viscount Moncorvo, I have lately reconsidered the question, and supposing it likely that the Government of her most faithful Majesty may be unwilling to agree to the establishment of a Mixed Commission at Sierra Leone on account of the expense which it would entail, whereby economy to be effected by abolishing the Commissions in Jamaica and the Cape Verds would be somewhat counteracted, Her Majesty's Government have now resolved to agree to the abolition of the above-mentioned Commissions, without insisting upon the establishment of a Commission at Sierra Leone, on the clear understanding, however, that vessels which would have been tried either in Jamaica or in the Cape Verds shall be sent for adjudication, if seaworthy, to Loanda or to Cape Town, and that any slaves found on board of such vessels shall at once be landed either in one of the British West India Islands, or at Sierra Leone, whichever may be deemed by the captors nearest or most convenient for that purpose.

When Her Majesty's Government suggested that there should be a Mixed Commission at Sierra Leone instead of those in Jamaica and the Cape Verds, it was thought that an Additional Convention to the Treaty of 1842 would be necessary to carry that proposal into effect, because by the VIth Article of that Treaty it is stipulated that of the Commissions which should be established under it, one-half should reside in British possessions and one-half in Portuguese, and the proposal then made would have been at variance with that stipulation. But as by the present proposal that stipulation of the Treaty of 1842 will be in no way interfered with, the form of a protocol will be a sufficient record of such an arrangement.

I accordingly inclose a draft of protocol which you will submit to the Portuguese Government for their approval, and which you are authorized to sign at once if it should be agreed to. The provision with respect to the landing of slaves in the British West India Islands or at Sierra Leone, instead of conveying them to Loanda is in fact nothing more than what is already provided for by the stipulations of

the Treaty of 1842, but I have nevertheless thought it right to record it specifically in the present protocol.

You will concert with the Portuguese Government as to the precise period at which it may be convenient that the functions of the Commissioners at Boa Vista and at Kingston should respectively cease, and you will inform me of the result. I am, &c.

Sir H. Seymour.

PALMERSTON.

(*Inclosure.*)—*Protocol of a conference held at on the*
1849, between the Plenipotentiaries of Great Britain and Portugal.

WHEREAS by the VIth Article of the Treaty concluded on the 3rd day of July, 1842, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Her Majesty the Queen of Portugal and the Algarves, for the suppression of the Slave Trade, it was stipulated that, in order to bring to adjudication with as little delay and inconvenience as possible, the vessels which might be detained according to the tenor of the IIInd Article of the same Treaty, there should be established as soon as might be practicable, 2 or more Mixed Commissions, formed of an equal number of individuals of the 2 nations, named for that purpose by their respective Sovereigns, and that of those Commissions, one-half should reside in possessions of Her Britannic Majesty, and the other half within the territories of her most faithful Majesty, and that the 2 Governments at the period of exchanging the ratifications of the said Treaty should declare, each for its own dominions, in what places the Commissions should respectively reside; and that each of the 2 High Contracting Parties reserved to itself the right of changing at its pleasure, the place of residence of the Commissions held within its own dominions, provided that 2 at least of the said Commissions should always be held either on the coast of Africa or in one of the islands off that coast, and that these Commissions should judge the causes submitted to them, according to the provisions of the aforesaid Treaty, and which are considered as forming an integral part thereof: And whereas in accordance with the above-mentioned stipulations Mixed Commissions were established in Her Britannic Majesty's possessions at Cape Town, at the Cape of Good Hope, and at Kingston in the Island of Jamaica, and in her most faithful Majesty's possessions at St. Paul de Loanda on the west coast of Africa, and at Boa Vista, one of the Cape Verd Islands: And whereas the High Contracting Parties now deem it unnecessary and inexpedient to continue the 2 Mixed Commissions established at Kingston and at Boa Vista, and have agreed to abolish them accordingly; the Plenipotentiaries of Great Britain and of Portugal have met to record this decision in the present Protocol, it being understood that vessels which would have been tried at either of the 2 above-named places, shall now be sent for adjudication, if seaworthy, to

Loanda or to Cape Town, and that any slaves found on board of such vessels shall at once be landed either in one of the British West India possessions, or at Sierra Leone, whichever may be deemed by the captors nearest or most convenient for that purpose.

No. 191.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, January 16, 1849.

BY my despatch of the 12th of July last I informed you that Major Teixeira, late Governor of the Portuguese possession of Quillimane, on the east coast of Africa, had absconded from that place, carrying with him 500 slaves to Rio de Janeiro; and in your despatch of the 25th of July you stated that Major Teixeira had arrived at Lisbon, and that measures were in progress for bringing him to trial.

I now transmit to you, for your information, a copy of a despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that Major Teixeira did actually land a cargo of slaves on the coast of Brazil; and I have to instruct you to inquire and to report to me what steps have been taken to bring this person to punishment.

Her Majesty's Government sincerely hope that so flagrant a case of slave-trading and so glaring an infraction both of the laws of Portugal and of the Treaties with this country, will not be allowed to escape without adequate punishment.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 192.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, January 25, 1849.

I HEREWITH transmit to you copies and translations of 2 decrees issued by the Portuguese Government on the 29th of February and the 2nd of March, 1848, respectively, the one ordering Portuguese cruizers to abstain from visiting, searching, and capturing on any pretext, in time of peace, beyond the territorial waters of Portugal, that is to say, beyond 3 miles from the coasts of the Portuguese possessions, vessels of foreign nations between which and Portugal there do not exist Treaties granting a mutual right of search, even although the chase of such vessels should have commenced within the 3 miles limit. The other ordering that all such captures shall be declared illegal, and that all vessels which may have been adjudicated, or which may be under adjudication in consequence of such captures, shall be forthwith restored; and directing that no vessels, whether Portuguese or foreign, found within the territorial waters of Portugal, shall be seized or condemned merely on account of being found, under whatever pretext, out of their true course, which rule is also to apply to Portuguese vessels on the high seas.

I have now to state to you, that to the first of these decrees Her Majesty's Government see no objection, and more especially as it is not made applicable to cases in which a mutual right of search is stipulated for by existing Treaties.

With respect to the second decree, Her Majesty's Government think that if taken in its strict and literal meaning, that decree also is not open to objection.

The direction therein contained, that Portuguese vessels on the high seas shall not be seized or condemned merely on account of being found out of their course, affords no just ground of complaint to foreign Governments; but it is to be observed that that direction would have been more strictly in accordance with the spirit of the Treaty of July 3, 1842, if it had been confined to cases in which there is no ground for reasonable suspicion that the vessel so out of her course is engaged in the Slave Trade. The deviation of a vessel from her proper course may sometimes afford very strong corroborative proof that she was actually engaged in the Slave Trade. For instance, the Treaty of 1842 permits Portuguese subjects to be accompanied by their household slaves in voyages from the Portuguese possessions on the coast of Africa to the islands of Cape Verde, Princes', and St. Thomas'. It is obvious that the circumstance of a vessel with such slaves on board being found steering direct for Cuba or Brazil, or any other place where there is a market for slaves, would furnish a strong presumption that she was engaged in an unlawful transaction, and was consequently liable to seizure and condemnation under the provisions of the Treaty.

I have to instruct you to make a communication to the above effect to Viscount de Castro.

I am, &c.

Sir H. Seymour.

PALMERSTON.

(Inclosure 1.)—*Portaria of February 29, 1848.*

(Translation.) *Palace of the Necessidades, February 29, 1848.*

It having become a question whether cruizers having commenced a chase, in Portuguese ports or waters, of foreign vessels supposed to be there infringing the laws of the country, can in one continuous pursuit carry on such chase, visit, and capture such vessels, beyond the recognized limits (*liecha de respeito*) of the said ports and waters, in the event of the suspicions which gave rise to that act proving well founded; and the law officer of the Crown having been consulted on this subject, and having thereon given his opinion of the 9th instant, as well as the Ministry of Foreign Affairs, as appears from the despatch from that department, dated also the 22nd instant; the Queen orders a communication to be made to the Major-General of the Navy, for his information, as for its due effect, through the Ministry of Marine, that neither by any special law, nor by the prin-

ciples of maritime international right, can Portuguese men-of-war pursue, visit, and capture, in time of peace, beyond the territorial waters, the ships of any foreign nation which may have infringed the laws of their kingdoms, even though the chase should have commenced within those waters and been continuously kept up beyond them, so long as no right of search and capture on the high seas shall exist by express Treaty.

AGOSTINHO ALBANO DA SILVEIRO PINTO.

(*Inclosure 2.*)—*Portaria of March 2, 1848.*

Palace of the Necessidades,

(Translation.)

Confidential.

March 2, 1848.

IN addition to the portaria addressed through this department on the 29th of February last to the Major-General of the Navy, informing him that, in the absence of any express Treaty, it was not allowed to give chase to, visit, and capture, beyond the recognized limit (*liecha de respeito*), any foreign vessels whose proceedings within the ports and waters of Portugal may have subjected them to strong suspicion of their being engaged in infringing the laws of the country, even though such chase should have commenced within the said ports and waters; the Queen orders that it be intimated to the said Major-General, for his information and for the necessary purposes, that not only are captures made under such circumstances to be discontinued, but that they are to be declared illegal by the Prize Court; and that all vessels which may have been adjudicated, or are now under adjudication, in consequence of such captures, are to be forthwith given up, it being equally understood that no vessels met with in the territorial waters of the Portuguese dominions can in any manner be taken or condemned merely on account of being found, under whatever pretext, out of their true course, whether such vessels be national or foreign, nor can national vessels, met with on the high seas; because to justify the capture and condemnation of all such, it is indispensable either that negroes actually destined for the Slave Trade be found on board, or those articles which, according to the list annexed to the Decree of the 10th of December, 1836, render such vessels subject to the provisions thereof. And the said Major-General will understand that similar orders are sent by a portaria of this day's date to the Governor-General of the province of Angola and to the President of the Prize Court of Loanda.

AGOSTINHO ALBANO DA SILVEIRO PINTO.

No. 193.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, January 30, 1849.

I HAVE to instruct you to state to Viscount de Castro, that Her Majesty's Government have received information that the Portuguese

settlement of Bissao, on the west coast of Africa, continues to be a place of resort for slave-vessels in quest of human cargoes; and earnestly to request him to cause a searching investigation to be made into the truth of this statement, and to take effectual measures for preventing the Slave Trade which there appeared at one time good reason to hope had become extinct at Bissao, from again reviving at that place.

I am, &c.

Sir H. Seymour.

PALMERSTON.

No. 194.—*Sir H. Seymour to Viscount Palmerston.*—(Rec. Feb. 5.)
MY LORD, *Lisbon, January 26, 1849.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 16th instant, the terms of which I have very closely recited in a note which I addressed to the Minister of Foreign Affairs on the 25th instant, and in which, while signifying the willingness of Her Majesty's Government under certain conditions to consent to the abolition of the Mixed Commissions established in Jamaica and in the Cape de Verdes, I have in compliance with your Lordship's orders communicated to him a draft of the protocol by which it is proposed that the arrangement should be recorded.

Viscount de Castro has signified to me verbally his intention of devoting to the consideration of these papers the earliest leisure which shall be left him by his Parliamentary avocation.

I have, &c.

Viscount Palmerston, G.C.B.,

G. H. SEYMOUR.

No. 195.—*Sir H. Seymour to Viscount Palmerston.*—(Rec. Feb. 15.)
MY LORD, *Lisbon, February 8, 1849.*

ON the 31st December last I had the satisfaction of reporting to your Lordship the manner in which her most faithful Majesty had recompensed the zeal and services of the late Governor of Angola, Senhor da Cunha.

I have now to add, that the Queen of Portugal has been pleased to give another proof of her satisfaction at the testimony borne by Her Majesty's Government and by the officer in command of the British squadron on the west coast of Africa, to the honourable and distinguished conduct of Senhor da Cunha in the Government committed to his charge.

The inclosed copy of the "Diario do Governo," together with the translation of the Portaria issued from the Marine Department, will put your Lordship in possession of the terms in which her most faithful Majesty has caused to be made known to the public her sense of Senhor da Cunha's merits.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(*Inclosure.*)—*Portaria of December 30, 1848.*

(Translation.) *Palace of Necessidades, December 30, 1848.*

HER Britannic Majesty's Minister at this Court having, as appears from a despatch received from the Foreign Office on the 27th instant, addressed a note to that department, in which he expresses how highly his Government appreciate the energy and good faith which had distinguished the administration and government of the intelligent and meritorious officer who had just left the government of the Province of Angola, the naval Captain Pedro Alexandrino da Cunha, as witnessed by the Commodore in command of Her Britannic Majesty's squadron on the west coast of Africa in his letter to the said ex-Governor of Angola, thanking him for the cordial co-operation which he afforded to him in the suppression of the Slave Trade. The Queen commands that, through the Marine Department, it be made known to the Major-General of the naval forces, for his information, and that he may inform the said naval Captain Pedro Alexandrino da Cunha, that Her Majesty received this exposition with especial satisfaction, seeing therein a fresh proof of the loyalty and zeal with which he discharged the duties of Governor-General of Angola, committed to him.

VISCONDE DE CASTRO.

No. 196.—*Sir H. Seymour to Viscount Palmerston.*—(*Rec. March 7.*)

MY LORD.

Lisbon, February 28, 1849.

WITH reference to the note which in conformity with the instructions contained in your Lordship's despatch of the 25th ultimo, I addressed to Viscount de Castro upon the 5th instant, calling his Excellency's attention to 2 decrees issued by the Portuguese Government on the 29th of February and the 2nd of March, 1848, respecting the right of search, I have the honour to inclose to your Lordship a copy and translation of Viscount de Castro's answer to that communication.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(*Inclosure.*)—*Viscount de Castro to Sir H. Seymour.*

(Translation.)

Lisbon, February 26, 1849.

HAVING, as I informed you on the 9th instant, brought to the knowledge of the Marine Department your note of the 5th of said month, respecting the orders issued by Her Majesty's Government to the Portuguese cruizers to abstain from visiting, searching, and capturing any foreign vessel when once they are out of the waters of the Portuguese territory belonging to a nation with whom a Treaty of reciprocal right of search does not exist; I have the honour to inform you that the same department has communicated to me on the 15th

instant, that those orders were issued in conformity with the opinion given by the Counsellor Attorney-General, that Portuguese vessels of war are not authorized to chase, visit, and capture, in time of peace, out of the territorial waters, any foreign vessels that may have infringed the laws of these kingdoms, even if the chase began in the said waters and should be continued without intermission beyond them, except an express Treaty exists authorizing the right of visiting and capturing on the high seas.

With regard, however, to the cessation of the capture of foreign or native vessels on no other grounds than those of being found out of their true course, orders were also issued, not only in harmony with the opinions of the Attorney-General, but because that measure contributed powerfully to the avoidance of just claims for the capture of vessels made on the grounds of being suspected of carrying on the traffic of slaves, when in reality no other reason existed for these suspicions but that of having met said vessels out of their true course, which alone could not justify its capture, neither from the Decree of December 10, 1836, or from the Treaty of 1842.

Having thus answered your said note, allow me to avail, &c.

Sir H. Seymour.

VISCOUNT DE CASTRO.

No. 197.—Viscount Palmerston to Sir H. Seymour.

SIR,

Foreign Office, March 8, 1849.

I HEREBY transmit to you an extract from a report dated Simon's Bay, December 1, 1848, from Vice-Admiral Dacres, late Commander-in-chief of Her Majesty's ships and vessels on the Cape of Good Hope station, to the Secretary to the Admiralty, upon the state of the African Slave Trade within the limits of his command.

You will communicate this paper to the Portuguese Government, and you will express the great pleasure which Her Majesty's Government feel in being thus able to convey to the knowledge of the Portuguese Government the strong testimony which has been borne by a distinguished officer in Her Majesty's naval service to the honourable and disinterested conduct of the Governor of Mozambique and of the Governor of Quillimane, in the performance of their official duties in execution of the engagements into which their Government has entered with the Government of this country for the suppression of the Slave Trade; and you will remark that the testimony thus borne by Admiral Dacres is the more honourable to the Portuguese officers concerned, because his report was written solely for the information of his own Government, and without any notion that his statement would be communicated to the Government of Portugal.

I am, &c.

Sir H. Seymour.

PALMERSTON.

(*Inclosure.*)—*Vice-Admiral Dacres to the Secretary to the Admiralty.*
(*Extract.*) President, *Simon's Bay*, December 1, 1848.

THE causes which may be believed to have led to the decline of Slave Trade on the east coast of Africa are as follows :

First, the integrity of the high Portuguese authorities lately employed at the principal Governments on the coast. I have on more than one occasion brought to their Lordships' notice the very laudable example which appears to be set to the different Portuguese functionaries on the coast of Africa by Governor-General do Valle of Mozambique and Governor Campos of Quillimane, both of whom appear to be moved by the most sincere desire to discountenance Slave Trade from the Portuguese territories in every possible manner, and who really deserve the thanks and best wishes of every well-wisher to the cause.

The praise which is justly due to Captain Do Valle and Major Campos is great, and it is to be hoped that they will persevere in their present upright course, which cannot fail to be the main instrument in suppressing Slave Trade from this quarter.

In my letter to their Lordships of the 6th July, 1846, I reported that the Governor-General of Mozambique had by directions from his Government, withdrawn a permission which he had issued to Her Majesty's cruisers to enter such ports, &c. in the territories of her most faithful Majesty where there were not any competent authorities (Portuguese), and to seize vessels found therein engaged in Slave Trade. And in my letters of the 28th December, 1846, and 11th June, 1847, I earnestly represented to their Lordships the evils of such a measure, and the probability of its adding fresh stimulus to the Slave Trade. It has been therefore with the greatest pleasure that I have been furnished by Rear-Admiral Reynolds with a copy of the protocol of conference held on the 12th August, 1847, between the Plenipotentiaries of Great Britain and Portugal, by which the prohibition to our cruisers to enter the ports, &c. in question has been removed, and I am convinced that such will be of the greatest benefit in suppressing the Slave Trade from the east coast of Africa.

The Secretary to the Admiralty.

S. C. DACRES.

No. 198.—*Sir H. Seymour to Viscount Palmerston.*—(*Rec. Mar. 20.*)

MY LORD,

Lisbon, March 8, 1849.

ON the receipt of your Lordship's despatch of the 16th January, I addressed a note to the Minister of Foreign Affairs, inquiring what steps had been taken to bring Major Teixeira to justice, for the flagrant act of slave-trading, of which he had been guilty.

The note of Viscount de Castro, of which I beg to inclose a copy and translation, will acquaint your Lordship with the endeavours

made to bring this officer to trial. They have hitherto been ineffectual, as he has succeeded in escaping by concealment the execution of the warrant issued for his appearance.

I beg also to transmit a copy of my acknowledgment of Viscount de Castro's note.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(*Inclosure 1.*)—*Viscount de Castro to Sir H. Seymour.*

(Translation.)

March 7, 1849.

THE inquiry which you made of me in the note which you were pleased to address to me on the 24th January last, with respect to the steps taken by Her Majesty's Government against Major Custodio José Antonio Teixeira, late Governor of Quillimane, was very satisfactory to Her Majesty's Government, since it gave them an opportunity of showing the notice they had taken of the culpable behaviour of the Major.

I have then the honour to acquaint you, that as soon as Her Majesty's Government were made aware that that officer was conducting himself improperly in the duties of the office which had been entrusted to him by Her Majesty, they determined that he should be dismissed from it, which in fact was carried into execution by the Decree of the 8th March, 1848.

Soon after, when it was known that he was in this capital, the requisite orders were, on the 29th July of the same year, issued to the Major-General of the fleet, in order that he might be at once detained in custody; but this could not be done, because he had concealed himself.

A requisition was sent from the Marine Department to the War Department, to institute the proper correctional proceedings against Major Teixeira, and on the 12th December last he was pronounced a deserter, and is at this moment classified as such.

According to advices from the Governor-General of Mozambique, I am informed that by one of the first ships which may arrive in this port from that colony, Her Majesty's Government should receive the record of the proceedings instituted against Major Teixeira for the crime of deserting the post entrusted to him, and for the abuse of the authority conferred on him by that post.

This is the present state of the affair in question, the warrant against him being still in full force, in order to be executed as soon as the place of his concealment is discovered.

I avail, &c.

Sir H. Seymour.

VISCOUNT DE CASTRO.

(*Inclosure 2.*)—*Sir H. Seymour to Viscount de Castro.*

M. LE VICOMTE,

Lisbon, March 8, 1849.

I SHALL have much satisfaction in communicating to Viscount Palmerston your Excellency's note of yesterday's date, informing me of the endeavours made to bring to justice Major Teixeira, for a flagrant breach of the laws of Portugal against slave-trading.

It will be gratifying to Her Majesty's Government to learn that such a delinquent is not likely to be permitted to escape the consequences of his crime.

I avail, &c.

Viscount de Castro.

G. H. SEYMOUR.

No. 199.—*Sir H. Seymour to Viscount Palmerston.*—(*Rec. Mar. 20.*)

MY LORD,

Lisbon, March 12, 1849.

I HAVE the honour to transmit to your Lordship a copy and translation of the answer returned by Viscount de Castro to the note which I addressed to him on the 25th January, with a copy of the protocol prepared to be signed for the reduction of the Mixed Commissions of Jamaica and Boa Vista.

The object of M. de Castro's reply, which was made clearer to me in consultation than it is in the inclosed note, is to state that the Portuguese Government are not disposed to become parties to the protocol in its present shape, and would only accept it if provision be made for that entire reciprocity respecting the disposal of captured slaves, which he assumes to be the characteristic of all stipulations relating to the suppression of the Slave Trade.

As it appears to me that the character ascribed by the Minister of Foreign Affairs to the Slave Trade stipulation is not entirely supported in the protocol as communicated to him; and as, on the other hand, I cannot but feel that Her Majesty's Government are at liberty to fix the conditions upon which alone they are prepared to consent to the suppression of the 2 Mixed Commissions, desired by the Portuguese Government, I do not propose returning any answer beyond that of a simple acknowledgment to the inclosed note until I have been honoured by your Lordship's orders.

I have, &c.

Viscount Palmerston, G.C.B.

G. H. SEYMOUR.

(*Inclosure.*)—*Viscount de Castro to Sir H. Seymour.*

(Translation.)

Foreign Office, Lisbon, March 9, 1849.

I SAW with satisfaction that in the project of protocol proposed by Her Britannic Majesty's Government, which I had the honour to receive together with your note of the 25th January last, the desires of Her Majesty's Government are complied with, that there may be

the 2 Mixed Commissions, one in Loanda, the other at the Cape of Good Hope, for vessels detained as suspected of, or as charged with, the crime of slave-trading, to be sentenced there.

It is declared in the said protocol, that when such vessels are sent to those places for that object, "the slaves found on board shall be landed at once either in one of the British West India colonies or at Sierra Leone, whichever the captor may deem nearest or most convenient for that purpose."

You say in your note, that "this provision of sending those slaves to the said British colonies instead of to Loanda is in fact nothing more than what was provided for in the stipulations of the Treaty of 1842." Allow me to observe to you, that neither in the said Treaty nor in the instructions and regulations annexed, do I meet with any such disposition. On the contrary, in Article IV of the instructions to the cruizers, it is very expressly forbidden to remove from the vessel seized, any part of the crew, of the passengers, of the cargo, or of the slaves, till the vessel be delivered up to one of the Mixed Commissions. An exception is only made in cases where this would become necessary for saving their lives, or for any other humane consideration, or for the safety of the persons charged with the conduct of the vessel after its seizure. This exception then authorizes in the above-mentioned cases only, the transfer of slaves from one vessel to another, but in no wise under any other circumstances, and makes no mention of landing them in the British colonies before the adjudication of the prizes. On the contrary, according to Article VI, section 2, of the Annex B, and Article II of Annex C, it is only after the prizes are condemned, that the slaves should be given up to the Government of the captor.

The Protocol therefore deviates in this point from the Treaty.

Her Majesty's Government in the meanwhile have no objection to agree to this new measure of disposing of the slaves before the adjudication; the reciprocity, however, established in the Treaty of 1842, to which this Protocol tends to give a greater development, requires that this disposition may be common to both Governments, by stipulating that Portuguese cruizers, when they send their prizes for adjudication by the Mixed Commissions, may also, at the same time, land the slaves taken by them in some part of our transmarine provinces, if they consider them to be nearer, or more convenient for that purpose.

This declaration becomes the more necessary, as from the wording of the last part of the Protocol, if it were signed in that form, it might be understood that not only the British cruizers would be obliged to land the slaves in the said British colonies, but that this duty would also fall on the Portuguese cruizers who would be bound to land the

slaves taken by them in those colonies, which would not only be against the dispositions of the Treaty, but against the decorous reciprocity which should exist in such stipulations.

For this object then, if agreeable to you, the last paragraph of the protocol might be drawn up in this manner, preserving in the original duplicates the usual alternative :

“ And that any slaves found on board of such vessels by the commanders of Her Britannic Majesty’s cruizers, shall at once be landed, either in one of the British West India possessions or at Sierra Leone; and that any slaves found on board of such vessels by the commanders of her most faithful Majesty’s cruizers, shall at once be landed either in one of the Islands of St. Thomé and Principe, or of Cape Verds, whichever may be deemed by each of the said English or Portuguese commanders nearest or most convenient for landing the slaves he may have found.”

It must be observed that at the end of the 4th page of the project of Protocol, it is said, “ And that these Commissions should judge the causes submitted to them according to the provisions of the aforesaid Treaty, and which are considered as forming an integral part thereof.”

It appears plain that there are here some words left out, as the provisions of the Treaty do not form a part, but the whole of it, and it is the annexes which form part of the Treaty, inasmuch as they are separated from it. It appears then that the sense would be complete, by adding after the words “ Treaty and,” these words “ of its annexes,” making this period as follows, “ and that these Commissions should judge the causes submitted to them according to the provisions of the aforesaid Treaty and of its annexes, which are considered as forming an integral part thereof.”

The Protocol might end in the following manner, with the above-mentioned alternative in the original duplicates :

“ Done at Lisbon in duplicate original, English and Portuguese, the — of —, 1849.”

If these alterations meet your approbation, as I flatter myself they will, I will have no difficulty in coming to an understanding with you on the time it may be convenient that the functions of the Commissioners at the Island of Boa Vista and in Kingston, should cease, the abolition of which is the more reasonable, as it is a fact that during a period of 6 years since the Treaty, they have been completely inactive, not having had a single case to judge.

I renew, &c.

Sir H. Seymour.

VISCOUNT DE CASTRO.

SARDINIA.

No. 201.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received August 3.)

MY LORD,

Turin, July 22, 1848.

IN obedience to your Lordship's instructions, I addressed a note to the Marquis Pareto, copy of which I have the honour herewith to forward to your Lordship, urging the Government of His Sardinian Majesty to declare persons convicted of carrying on a trade in Slaves, to be guilty of piracy.

I have now the honour to transmit herewith to your Lordship copy of the reply which I have received from the Marquis Pareto upon this subject, by which you will see that the Sardinian Government decline to accede to the proposal which I had been instructed to make them on the part of Her Majesty's Government.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure 1.)—*The Hon. R. Abercromby to the Marquis Pareto.*

Turin, May 19, 1848.

The Undersigned, &c. has the honour to communicate herewith to his Excellency the Marquis Pareto, &c. copy of a letter and of its inclosure addressed by Mr. Ward, Secretary to the Board of Admiralty, to the Right Hon. E. J. Stanley, one of Her Britannic Majesty's Under-Secretaries of State for Foreign Affairs, relative to the increased number of vessels sailing under the protection of the Sardinian flag and engaged in the Slave Trade on the west coast of Africa.

In calling the attention of the Marquis Pareto and of the Government of His Sardinian Majesty to this fact, the Undersigned has been directed by Viscount Palmerston, &c. to observe, that in England Slave Trade is treated as piracy, and that the punishment inflicted upon British subjects found to be engaged in that trade is transportation to a penal settlement for life; and the Undersigned has likewise been instructed to represent to the Sardinian Government, that the Government of Her Britannic Majesty are doubtful if the punishment of the galleys imposed upon Sardinian subjects convicted of violating the XIVth Article of the Penal Law of January 18, 1827, is sufficiently severe, unless that punishment be inflicted for life.

The Government of Her Britannic Majesty are convinced that the Cabinet of Turin is conscientiously desirous not only to act in the true spirit of the Treaty of August 8, 1834, but to contribute zealously towards the suppression of a traffic declared by the laws of Sardinia to be illegal, and which is at the same time so revolting to the feelings of humanity. It is, therefore, in furtherance of the objects of that Treaty, and in support of those principles of humanity which the

Sardinian Government have always advocated, that the Undersigned, in compliance with the instructions he has received from Viscount Palmerston, has now the honour to suggest, for the consideration of the Government of His Sardinian Majesty, the propriety of making the law of Sardinia in respect to the traffic in slaves equally stringent with the law of England, and of declaring Slave Trade to be piracy.

Her Britannic Majesty's Government have evinced their horror for this trade, and their sincere desire to contribute towards its effectual suppression, by declaring it to be an act of piracy, and applying to its commission the penalty which the law of England awards to such a crime; and the Undersigned cannot doubt that the Government of His Sardinian Majesty will show a similar abhorrence of this revolting traffic, by declaring Slave Trade to be piracy in Sardinia, and by subjecting the perpetrators of such an offence to the punishment which they will so justly deserve and to which the Sardinian Government will condemn them for such a crime.

The Undersigned, &c.

Marquis Pareto.

RA. ABERCROMBY.

(*Inclosure 2.*)—*The Marquis Pareto to the Hon. R. Abercromby.*

Turin, le 16 Juillet, 1848.

A LA réception de la note que Mr. Abercromby, &c. lui a fait l'honneur de lui adresser sous la date du 19 Mai dernier, pour lui exposer l'opportunité d'augmenter les peines portées par le Code Pénal Maritime des États du Roi contre la Traite des Noirs, eu égard au nombre toujours croissant des bâtiments naviguant sous pavillon Sarde qui se livreraient à cet odieux trafic sur les côtes occidentales d'Afrique, le Soussigné, &c. a sans perte de temps porté cette communication à la connaissance du Ministre de la Guerre et de la Marine.

Ce n'est qu'aujourd'hui seulement que le Soussigné reçoit la réponse qu'il attendait à cet égard et dans laquelle il voit avec plaisir que le Commandant-Général intérimaire de la Marine, ainsi que l'Avocat-Général Fiscal, après s'être procuré tous les renseignements nécessaires et avoir mûrement examiné la chose, ont dû reconnaître que non seulement rien ne pouvait faire supposer un accroissement d'activité dans la Traite des Noirs par les bâtiments de commerce Sardes, mais que tout au contraire portait à croire que, depuis la promulgation des lettres patentes du 13 Janvier, 1827, sur cette matière, qui infligent aux coupables la peine de 5 ans de galère, extensible à 15 ans, et une amende de 1000 francs jusqu'à 24,000, un trafic aussi inhumain avait pour ainsi dire entièrement cessé d'être exercé sous le pavillon Sarde. A l'appui de cette assertion, les 2 autorités précitées font remarquer que quatre cas seulement de mise en accusation se sont présentés depuis 1827, pour les délits de cette

nature, et que chaque fois on a reconnu que les soupçons n'étaient pas fondés, savoir : le *Sansone* et la *Sommariva*, capturés par des croiseurs Anglais, et la *Marie Anne* et *Notre Dame des Grâces*, par des croiseurs Français.

Quant au fait du brick la *Polacca*, cité dans le rapport du Commodore commandant la *Penelope*, ce ne serait tout au plus qu'un fait isolé et insuffisant à prouver le développement que la marine marchande des Etats du Roi est accusée d'avoir donné depuis quelque temps au commerce des esclaves ; car, comment supposer en effet que si un aussi grand nombre de navires Sardes se livraient, comme on le dit, à ce commerce sur les côtes d'Afrique, tous eussent constamment échappé à la vigilance des croiseurs destinés à surveiller ces parages.

L'empressement que le Gouvernement du Roi a mis à adhérer en 1834 à la Convention stipulée avec l'Angleterre et la France pour réprimer la Traite des Noirs, ne peut laisser aucune espèce de doute sur son intention bien positive de ne rien négliger de ce qui dépend de lui pour empêcher et faire disparaître complètement un trafic aussi odieux et si peu en rapport avec les progrès de la civilisation actuelle et les lois de l'humanité ; aussi le Soussigné a-t-il l'entière confiance que le Gouvernement de Sa Majesté Britannique se plaira à le reconnaître. Mais, quelque soit le désir du Gouvernement Sarde d'arriver à un pareil résultat, il ne saurait cependant, ainsi que le fait observer M. l'Avocat Général de la Marine, adopter dans ce but les mesures proposées dans la note de Mr. Abercromby, c'est-à-dire, d'assimiler la Traite des Noirs à la piraterie, en appliquant à ce délit les peines portées contre ce dernier crime, qui dans les Etats du Roi est puni de mort. D'abord les faits très rares et même douteux qui se sont présentés du trafic des esclaves depuis 1827, par la marine Sarde prouvent que les peines établies à cette époque contre un semblable commerce sont suffisantes ; il serait par conséquent inutile de les rendre plus sévères. Ensuite l'application des peines exagérées à un délit, déclaré tel par une loi positive et non par la loi naturelle, et qui, il n'y a pas longtemps encore, était non seulement toléré mais favorisé par les Gouvernements, serait repoussée par la conscience publique en Italie, comme en France, où les peines sont moins rigoureuses que dans les pays du Nord. En effet on voit que les lois en France, rendues à diverses époques, toujours plus sévères au sujet de la Traite, n'excèdent cependant pas 20 ans de galères, et se rapprochent ainsi beaucoup de celles adoptées en Piémont.

En faisant cette réponse à la note précitée de Mr. Abercromby, le Soussigné espère qu'elle satisfera pleinement le Gouvernement de Sa Majesté Britannique sur les raisons qui ne permettent pas à celui de Sa Majesté de changer sa législation sur le point en question. Dans cette confiance, le Soussigné saisit, &c.

The Hon. R. Abercromby.

L. N. PARETO.

SPAIN (HAVANA).

CONSULAR.

No. 210.—*Viscount Palmerston to Consul-General Crawford.*

SIR,

Foreign Office, July 12, 1848.

I HAVE received your despatch of the 27th of April last, in which you state that the Captain-General of Cuba had expressed a decided determination to prevent the Slave Trade from being carried on.

Her Majesty's Government are very glad to receive these assurances; but their value will be increased when they shall have been confirmed by acts.

I am, &c.

J. T. Crawford, Esq.

PALMERSTON.

No. 214.—*Consul-General Crawford to Viscount Palmerston.*

(Received August 21.)

(Extract.)

Havana, July 22, 1848.

SOME 11 years ago the American ship *Jupiter*, employed in the service of The United States to convey the Governor and a number of free blacks to Liberia, their free settlement on the coast of Africa, was wrecked, and the crew saved found their way to one of the slave factories at Gallinas.

The master and the crew, with the exception of the steward, a negro, who is a citizen of The United States, a native of Philadelphia, took their passages from the coast on board a French trader; but the steward was induced to remain at the factory, upon promises made to him of a free passage to Havana, and letters which would facilitate his return home from thence.

It appears, however, that very soon afterwards this man, the negro steward, was put on board the slaver *Flor de Mar*, and on his arrival in Cuba he was sold along with the rest of the unfortunate victims, and has remained in slavery until very recently that his case was made known to the American Government.

General Campbell, The United States Consul, having received orders to obtain the liberation of this man, discovered that he was a slave upon the estate of Don Gaspar Hernandez, near to Matanzas, by whom he was purchased upon the arrival of the *Flor de Mar*, from the celebrated slaver Don Pedro Martinez, and having applied to the Captain-General, the negro was taken off Hernandez's estate, placed in deposit, and fully identified.

The American Consul, instructed by his Government to claim compensation in money, had the support of the Captain-General in the compromise which he effected with Hernandez and Martinez, ultimately obtaining 150 dollars per annum for all the time the steward was held in slavery, with interest yearly thereon, as it accumulated during the 11 years; and besides, the sum of 450 dollars as damages,

and for the expenses of sending the liberated man to The United States in charge of an officer of the Consulate.

As the proceedings in the compromise were wholly extra-judicial, there is no legal evidence whatever in the case. The penal law of Spain was not in existence 11 years ago, so that the parties guilty of buying and selling the negro steward are not punishable; but your Lordship will observe that they have been obliged to pay a considerable sum in damages and compensation, to obtain which, General Campbell informs me he had the countenance and support of the Captain-General, although the compromise was not formally effected before his Excellency.

Viscount Palmerston, G.C.B.

JOS. T. CRAWFORD.

*No. 219.—Viscount Palmerston to Consul-General Crawford.**

SIR,

Foreign Office, September 18, 1848.

I HAVE to desire that you will transmit to me, for the information of Her Majesty's Government, a list of all British subjects within the district of your Consulate, who are owners of slaves, distinguishing those who have domestic slaves and those who have slaves employed in agriculture or in mining.

I am, &c.

J. T. Crawford, Esq.

PALMERSTON.

No. 220.—Viscount Palmerston to Consul-General Crawford.

SIR,

Foreign Office, September 25, 1848.

I HAVE received your despatch of the 5th ultimo, stating that Juan Manuel Besamilla, one of the mates of the slave-vessel *Columbia*, which landed 150 slaves at Cabañas in the month of July last, had given important information to the authorities of Cuba relative to that vessel, as well as to the *Toro*, another slave-vessel shortly expected at Cabañas, and to a brigantine which was being equipped for Slave Trade at the same place. You recommend that the pardon of Besamilla should be solicited from the Queen of Spain, as the Captain-General has not power to grant it; and you suggest the expediency of authority being given to the Captain-General to hold out hopes of pardon to approvers who may denounce their slave-trading accomplices.

I conceive that there can be little doubt that the approver Besamilla will be pardoned by the Queen of Spain, if recommended for grace by the Captain-General; or that the discretionary authority which you recommend that the Captain-General should be invested with, would be granted to him if he should represent the expediency of the measure; and I have accordingly to instruct you to make a suggestion accordingly to his Excellency.

I am, &c.

J. T. Crawford, Esq.

PALMERSTON.

* A similar despatch was addressed under the same date to Her Majesty's Consuls at Santiago de Cuba and Porto Rico, and to Her Majesty's Consuls at Rio de Janeiro, Bahia, Maranhão, Pará, Paraíba, Pernambuco, and Rio Grande in Brazil.

No. 223.—Viscount Palmerston to Consul-General Crawford.

SIR,

Foreign Office, October 14, 1848.

I HEREWITH transmit to you a copy of a despatch and of its inclosure which I have received from Her Majesty's Commissary Judge at the Havana, on the subject of a negress who had presented herself to him, stating that she was held as a slave, although belonging to the class of emancipados.

You will perceive from this despatch, that Mr. Kennedy, feeling satisfied that she was an emancipada, and had come over in the slaver *Ricomar*, condemned at the Havana in March 1836, made a representation of her case to the Captain-General.

The Captain-General having stated in reply to that representation, that there had been a full investigation into the case of the said negress, and that it had been indisputably proved that she was not an emancipada, and did not belong to the slaver *Ricomar*, as stated by Mr. Kennedy, I have to instruct you to request the Captain-General to give you a copy of the minutes of the proceedings of the investigation by which this result was arrived at. I am, &c.

J. T. Crawford, Esq.

PALMERSTON.

No. 224.—Viscount Palmerston to Consul-General Crawford.

SIR,

Foreign Office, October 15, 1848.

I HEREWITH transmit to you a copy of a despatch which I have received from Her Majesty's Commissary Judge at the Havana, inclosing a copy of a communication which he had addressed to the Captain-General of Cuba, respecting an emancipado named Julian Carabali, whose term of service had recently expired, and who had been delivered up at the Government-House and subsequently re-assigned for a further term of servitude. I transmit also a copy of the reply made by direction of the Captain-General to that communication, in which he contents himself with referring to the letter addressed to Mr. Kennedy on the 13th of August, a copy of which is inclosed in my despatch to you of this day's date, and which denies the truth of a representation of the same nature made to the Captain-General by Mr. Kennedy, relative to an emancipada from the slaver *Ricomar*.

I have to instruct you to state to the Captain-General, that Her Majesty's Government are of opinion that this answer is not satisfactory; and that if the negro in question really is an emancipado, as appears to be the case, he ought to be given up according to the arrangement made in regard to persons of that class.

I am, &c.

J. T. Crawford, Esq.

PALMERSTON.

No. 227.—*Consul-General Crawford to Viscount Palmerston.*

(Received October 26.)

MY LORD,

Havana, September 16, 1848.

I HAVE been endeavouring, but I regret to say without success, to obtain information as to the state of the proceedings at the Royal Audiencia, in the affair of the slaver at Cabañas. As yet the sentence has not been promulgated.

I have however learnt from an authentic source, that upon the declaration of the approver, Juan Manuel de Besamillas, whose case I did myself the honour of bringing under your Lordship's notice in my despatch of the 5th ultimo, the mate proper of the slaver (said Besamillas having been supernumerary) was arrested, and is prisoner in the public gaol.

Besamillas and the mate were conducted, about the 25th ultimo, to Cabañas, where their declarations were revised; and the slaver was raised and kept afloat for some 10 days, after which she was sunk by the authorities at another part of the bay in deep water; but whether she was rendered useless previous to her being so sunk, Besamillas, from whom I had the information, does not know. Juan Pigat, the master, has escaped. He embarked from Regla on board the *Crescent City*, American steamer, and departed for New York at the same time with M. Zulueta, 18th ultimo, as I have done myself the honour of reporting to your Lordship in my despatch of the 9th instant; and so I am led to infer that he is under that protection.

Whether the felucca was rendered useless by the authorities or not, I consider that it has been with a view to avoid the sensation which would have been caused had she been brought here a prize, that whatever has been done to the *Columbia* was executed at such an out of the way place as Cabañas, and there surely is great room for complaint against this act of the Audiencia since the exhibition of a miserable little vessel of only 29 tons in this harbour could hardly have failed to produce a great moral effect, when it became known to the public that she had been confiscated for slave-trading, and that, besides her own crew engaged in this infamous traffic, no less than 155 miserable human beings had been crammed into such a cock-boat, and had endured the horrors of the middle passage for upwards of 40 days.

The poor man Besamillas is, I understand, amongst the commonest felon convicts in what is called the "Galera" at the prison, whilst the other prisoner, the mate of the slaver, is better treated, and is in what is called the "Sala libre."

I hope that your Lordship will not think it improper that I should place the approver under your Lordship's consideration, in the belief that his pardon would have a most beneficial effect, and induce others to come forward and denounce acts of Slave Trade, from doing which

they are deterred by the fear of punishment ; as there is no clause in the Penal Law of Spain holding out encouragement to such as, from any cause whatsoever, might denounce their accomplices.

I have, &c.

Viscount Palmerston, G.C.B.

JOS. T. CRAWFORD.

No. 230.—*Consul-General Crawford to Viscount Palmerston.*

(Received December 22.)

MY LORD,

Havana, November 26, 1848.

I RESPECTFULLY beg your Lordship's reference to the correspondence relative to the man Don Juan Manuel Besamillas, who was on board the slaver *Columbia*, which landed 150 Bozal negroes at Cabañas in July last, and in obedience to the instruction which I had the honour of receiving from your Lordship, the receipt of which I acknowledged in my despatch dated the 2nd instant, I have now the honour of laying before your Lordship copy of a correspondence which I have had with his Excellency the Captain-General, who desired that I would communicate to him your Lordship's instructions in writing ; and your Lordship will doubtless observe the objections which have been raised by his Excellency to solicit grace for the prisoner Besamillas, as well as the difficulty he expresses as to soliciting or moving the Spanish Government for a special extension of his prerogative, or an alteration of the Penal Law, giving power to pardon and to hold out the hope of pardon to approvers in cases of the transgression of that law, whose denuncements of their accomplices might lead to their detection and punishment.

I considered it my duty to reply to his Excellency with some details of Don Juan Manuel Besamillas's case, and in order to place in its proper light the effect of the addition suggested to be made to the Penal Law of the 4th March, 1845, conferring power for his Excellency to pardon approvers whose denuncements of their accomplices in crime should lead to their apprehension and conviction, which appeared to have been imperfectly understood by him.

Not having been favoured with an answer to my last communication, I this morning waited upon his Excellency and ascertained from him verbally, that the matter will be transmitted to Madrid, in common with the other affairs of this Government, at the same time giving me to understand that he did not feel himself warranted specially to adopt the initiative as to the points I had suggested to his Excellency under your Lordship's instruction, for the reasons which he had given in his note of the 13th instant.

Besamillas is still in prison, and no sentence has as yet been pronounced in the trial by the Royal Audiencia.

I consider that, defective as the Penal Law most certainly is, its having been brought into operation by the denouncement of his

accomplices made by Besamillas has had a most salutary effect, and will deter many from engaging in the Slave Trade for the future; and how much more would the danger of denouncement weigh with those engaged in that nefarious traffic, were informers sure of pardon, whose evidence led to the conviction and punishment of their accomplices, and if that inducement was held out to approvers by announcement of the Spanish Government conferring special authority to that effect upon the Governors, Captains-General of this island and of Puerto Rico.

I have, &c.

Viscount Palmerston, G.C.B.

JOS. T. CRAWFORD.

(Inclosure.)—Consul-General Crawford to the Captain-General.

Havana, November 10, 1848.

HAVING reported to Her Majesty's Government the arrival of the slave-vessel *Columbia*, which landed a cargo of negroes from Africa in July last, at Cabañas, and the capture of 130 of those unfortunate creatures by the Lieutenant-Governor of Mariel; I took occasion to notice to my Government the circumstance of Don Juan Manuel Besamillas having presented himself to your Excellency denouncing the master and crew of the said slaver, stating at the same time that the whole case had been delivered over by your Excellency to the Royal Audiencia Pretorial, as the tribunal designated by the Penal Law passed at Madrid the 4th day of March, 1845, competent to take cognizance of such offences.

At the time the said Besamillas delivered himself up, your Excellency informed me that under the law just referred to, there is no power, discretionary or otherwise, reserved to your Excellency by which pardon could be granted to persons who, like him, were induced to become approvers, and so lead to the apprehension and punishment of their accomplices in slave-trading.

This I considered it my duty also to represent and to state, that the said Don Juan Manuel Besamillas had consequently been sent to prison, that he was taking his trial before the Royal Audiencia where he would most probably be convicted upon his own confession and be sentenced to the extreme penalty of the law, without any power of commuting or remitting the punishment to which he must necessarily be condemned. And I pointed out to Her Majesty's Government how much good would be likely to result from an alteration of the Penal Law in question, by a clause giving power to your Excellency to pardon in such cases as that of Besamillas, or that your Excellency's prerogative should be extended in a special manner, so that pardon should be granted, and the hope of pardon should be held out to those who, concerned themselves in slave-trading, should come forward and denounce to your Excellency their guilty accomplices so as to lead to their apprehension and punishment.

I have now the honour of acquainting your Excellency that I am instructed by Her Majesty's Principal Secretary of State for Foreign Affairs, Viscount Palmerston, to the effect that his Lordship conceives that there can be little doubt that the approver Don Juan Manuel Besamillas will be pardoned by the Queen of Spain, if recommended for grace by your Excellency; and also, that the discretionary authority which your Excellency should be invested with, would be granted, should your Excellency be pleased to represent the expediency of such a measure.

In obedience to these instructions, I beg leave to solicit your Excellency's recommendation of the said Don Juan Besamillas for grace to Her Majesty the Queen of Spain, and that your Excellency would be pleased also to represent the expediency of your Excellency being invested with discretionary power to pardon, and to hold out hopes of pardon in future to those who may turn approvers, as an inducement for their denouncing to your Excellency their guilty accomplices in slave-trading.

I have, &c.

JOS. T. CRAWFORD.

No. 231.—Consul-General Crawford to Viscount Palmerston.

(Received January 26, 1849.)

MY LORD,

Havana, December 11, 1848.

IN obedience to the instructions conveyed in your Lordship's despatch of the 14th of October, the receipt of which and of its inclosures I have now the honour to acknowledge, I addressed the Captain-General, requesting his Excellency to furnish me with a copy of the minutes of the proceedings upon the case of the negress alluded to in Mr. Kennedy's letter of the 20th of July, which formed inclosure No. 1 in Her Majesty's Commissary Judge's despatch to your Lordship of the 14th of August last.

I beg leave to lay before your Lordship a copy of the correspondence, according to which it appears that the result of the investigation which took place was against the pretention of the negress in question to her free papers. On the contrary, it goes to show that she was not on board the *Ricomar*, and not even belonging to the class of emancipados. She was held to be a slave in all the papers of sale corresponding to the various owners through whose hands she had passed in that condition, but that nevertheless she was referred to the proper officer, the Procurador-General or Syndic, whose duty it is to prefer the claims of slaves and all persons who allege claims to freedom, in case she persisted in asserting that she was an emancipada and as such entitled to her free papers.

I have communicated this result to Her Majesty's Commissioner, Mr. Kennedy.

I have, &c.

Viscount Palmerston, G.C.B.

JOS. T. CRAWFORD.

(*Inclosure 1.*)—*Consul-General Crawford to the Captain-General.*

Havana, December 5, 1848.

HER Majesty's Government having under consideration the correspondence with your Excellency relative to a negress of the class of emancipados, which was transmitted by Her Majesty's Judge, Mr. Kennedy, to Her Majesty's Principal Secretary of State for Foreign Affairs, Viscount Palmerston has instructed me to request that your Excellency will be pleased to furnish me with a copy of the minutes of the proceedings of the investigation of this case, which is referred to in your Excellency's letter to Mr. Kennedy of the 13th of August last.

I have, &c.

JOS. T. CRAWFORD.

(*Inclosure 2.*)—*The Captain-General to Consul-General Crawford.*

(Translation.)

Havana, December 9, 1848.

OWING to the circumstance of there not being any Representative of Her Britannic Majesty at present in Madrid, I could have no objection to send to your Honour a copy of the proceedings which, according to your communication of the 5th instant, the Minister for Foreign Affairs has instructed you to ask for if the investigation had been in writing, which I ordered to be gone into in consequence of the letter of the British Commissary Judge of the 20th of July, relative to a negress which he stated was of the class of emancipados and was held as a slave; but for the same reason I shall state to your Honour that the answer which was given by my order to the said Commissary Judge was founded upon the following data proved in this Government office:—1st. None of the negresses brought by the brig *Ricomar* obtained the name of Teresa. 2nd. She which appears with the African name of Abale, which is, as she says, she was called in her own country, is the individual called Rufina, at this day existing in this capital. 3rd. All the free papers ("cartas de libertad") having been looked over, as well of those who have died as of those who are alive, and having examined the negress Teresa, her corporeal marks do not agree with those which are stamped in the letters of freedom. 4th. None of the negresses of the brig *Ricomar* died in the barracoon before or after their filiation, consequently it is not possible either to suppose that this one died at that time. 5th. It appears from the search which was instituted in the protocols of the public scriveners, that the negress Teresa has had many owners, and has always been sold and bought as that slave. 6th. It is deduced from the inquiries made, that the negress was in an understanding with other negresses belonging to the said vessel, so that they should declare as she did, but separately examined there was discrepancy, and the confabulation was noticed.

With these proceedings the referred-to writing of Mr. Kennedy was answered, and the negress was informed that if she insisted in that she was not really a slave she should apply before the Syndic Procurador-General to state and make valid her rights, since he is (as your Honour must be aware) the natural and legal defender of the rights of slaves according to the protecting laws which rule slavery within the Spanish possessions. His duties constitute an honourable charge always performed with the greatest zeal, and whose representations before all the tribunals are privileged and gratuitously attended to.

God preserve, &c.

J. T. Crawford, Esq.

CONDE DE ALCOY.

No. 232.—Consul-General Crawford to Viscount Palmerston.

(Received January 26, 1849.)

MY LORD,

Havana, December 15, 1848.

I HAVE the honour of acknowledging the receipt of your Lordship's despatch of the 15th of October, instructing me to state to the Captain-General that Her Majesty's Government are of opinion that the answer which was given to Mr. Kennedy, Her Majesty's Commissary Judge, upon his representation of the case of the emancipado Julian Carabali is not satisfactory, and that if the negro in question really is an emancipado, as appears to be the case, he ought to be given up, according to the arrangement made in regard to persons of that class.

In obedience thereto, I wrote to the Captain-General on the 6th instant, and on the 11th I received an answer from his Excellency evading the question, and which I did not consider satisfactory by any means.

I therefore again addressed him, and I took occasion to embody in my letter your Lordship's full and conclusive instruction upon the subject of the emancipados and the right of Her Majesty's Government to interfere respecting them, and to obtain their freedom as founded upon Treaties and subsequent arrangements.

I have now the honour of laying this correspondence before your Lordship, and I would very respectfully submit to your Lordship's notice the Colonel Secretary's reply to my second letter, wherein he says, by direction of his Excellency the Governor Captain-General, that his Excellency would be excused the annoyance of further writings upon this subject, and distinctly states that my efforts are useless in a matter the alteration of which must emanate from the Court.

I should suppose that this reply, which is not couched in very courteous terms, is, however, quite conclusive as to this Government's acting under the instructions from Spain, denying our right of inter-

ference on behalf of that unfortunate class the emancipados whose freedom is to be at the arbitrary will of these authorities.

The Captain-General states, that the rule is the VIIth Article of the Regulations for the Mixed Commissions annexed to the Treaty of 1817, and he makes no allusion to subsequent arrangements, according to which all the emancipados were to be freed on or before the 1st of January, 1846, although the circumstances under which Her Majesty's Government were induced to consent to that arrangement are brought under his Excellency's notice in my letter, so that if we are to take his statement as being correct, it seems that no instructions were given by the Spanish Government to the Captain-General of Cuba for the fulfilment of the conditions of the arrangement entered into at the suggestion of General Don Geronimo Valdes for the freedom of all the emancipados who continue to suffer the miseries of slavery, from which they must be rescued by our interference.

I have, &c.

Viscount Palmerston, G.C.B.

JOS. T. CRAWFORD.

No. 233.—Consul-General Crawford to Viscount Palmerston.

(Received January 26, 1849.)

MY LORD,

Havana, December 22, 1848.

I HAVE the honour of acknowledging the receipt of your Lordship's despatch of the 13th of October and its inclosures.

I have endeavoured by every means possible to ascertain what has been done with the negroes which were landed at Cabañas from the slaver *Columbia*, and seized by the Lieutenant-Governor of Mariel; I have also endeavoured to learn facts which might confirm Mr. Kennedy's information, stated to your Lordship in his letter of the 3rd of August last; but I have not been able to discover anything which could be construed to authenticate the rumour upon which Her Majesty's Commissioner founded his report relative to the ownership of that expedition.

Certain it is that the emancipados in question were assigned to M. Parejo and to M. Julian Zulueta; but I cannot state either of those parties to have been concerned in the slave expedition out of which these Bozales were captured; so that I have no case upon which to found the representation which I should otherwise have addressed to the Captain-General, in obedience to your Lordship's instruction.

As regards the prosecution of those who were the owners of the *Columbia* and her cargo, I have already reported to your Lordship the slow progress made by the Royal Audiencia, and I have now the honour to report that the matter appears to be allowed to lie over.

I have never been able to learn that the authorities, who most certainly connived at the landing of the cargo of the *Columbia* at

Cabañas, have been punished. No sentence has as yet been promulgated by the tribunal. The Judge Carbonell, to whom it fell in turn at the Audiencia, has lately become incapacitated, from an attack of apoplexy or paralysis; and I have looked into the Penal Law, but cannot find a clause which is applicable to the prisoners. The 1st Article, and also the IInd, has reference to the crews, &c. of vessels on board of which there were negroes from Africa at the time of capture; and the IIIrd and IVth applying to the punishment of those found on board of vessels destined to be employed in Slave Trade, and whether captured at sea, or already at anchor, or steering for the coast of Africa. In none of those cases do I find Don Juan Manuel Besamillas, who gave himself up, nor the chief mate of the *Columbia* (who was arrested upon the former's denouncement), both of whom are still in confinement; so that my impression is, that they will by and by be put at liberty, their imprisonment during a protracted trial being their only punishment; so defective is the Penal Law in its construction, and, as a penal enactment, it has to be interpreted strictly.

I have, &c.

Viscount Palmerston, G.C.B.

JOS. T. CRAWFORD.

No. 234.—Viscount Palmerston to Consul-General Crawford.

SIR,

Foreign Office, January 31, 1849.

I HAVE to desire that you will endeavour to ascertain, and that you will report to me, how many slaves are supposed to have been landed in Cuba during the year 1848.

I am, &c.

J. T. Crawford, Esq.

PALMERSTON.

No. 235.—Consul-General Crawford to Viscount Palmerston.

(Received March 7, 1849.)

MY LORD,

Havana, December 31, 1848.

IN obedience to the instructions contained in your Lordship's despatch dated the 18th of September last, I have now the honour of inclosing herewith a list of the British subjects who are owners of slaves, stating in what way their slaves are employed.

But I think it necessary to acquaint your Lordship that there may be others elsewhere in the island who are slave-owners, not within my knowledge, and also that several British subjects who have married foreigners hold slaves in their wives' names, as well as that some British subjects are owners of slaves jointly with Spaniards and other foreigners, their partners. So also it may be that some British subjects in reality are the owners of slaves standing in the names of Spaniards and others who have lent themselves to figure as the owners.

Your Lordship will readily perceive that it would be very difficult to fix the ownership of slaves upon parties whose minds have been

made up to evade the provisions of the recent Act of Parliament. If referred to themselves, they could hardly be expected to tell the truth.

Nor has it been possible for me to get lists from the remote places, having no Consular Agents at any of the outports; and there are many British subjects on the island that I have never heard of.

I have, &c.

Viscount Palmerston, G.C.B.

JOS. T. CRAWFORD.

(Inclosure.)—*List of British subjects resident at Havana and elsewhere, in the Island of Cuba, who are slave-owners, and stating how they are employed, in agriculture or otherwise.*

HAVANA.—Attridge and Orr, as cabinet-makers; Samuel Lindsay, carpenters; David Warren, artisans; Robert Morrison, house servants; John Macnab, iron and brass-founders; Hadwen McGregor and Co., house servants; John Bevington, house servants; Charles D. Tolmé, house servants; Henry Datton, house servants; William Stewart, house servants, hired out; Edward Finlay, house servants, hired out; heirs of S. Tennant, house servants, hired out; James Lawton, hired out, and as servants and labourers; William Jowitt, carpenters; Alexander Mein, house servant; Urtelegui Robertson and Co., house servant.

Note.—There may be others I do not know of; and some of these above mentioned hold the slaves in partnership with Spanish partners, others in their wives' names, who are Spaniards or other foreigners.

MATANZAS.—Willam Sims, masons and house servant; James Scott, masons and house servant; Hugh Carrigan, carpenters and house servant; Henry Elkins, moulders and house servant; James Coulson, moulders and house servant; William Adams, sugar refiners, house servant; Martin Burns, labourers, house servant.

CARDENAS.—Thomas Lovat, house servants; William Kent, masons; Robert Kent, masons; Thomas Kent, masons; Thomas Owens, agriculture; Theodore Phinney, agriculture; Mary Ann Powers, agriculture; William Fowler, masons; Thomas Seller, house servants.

From other places in the island I have no returns; but there are doubtless some British subjects slave-owners at all places of note. Near Sibara are Wood, Paterson, and Chapman, who are all slave-owners.

JOS. T. CRAWFORD.

No. 236.—*Consul-General Crawford to Viscount Palmerston.*

(Received March 7, 1849.)

MY LORD,

Havana, December 31, 1848.

I HAVE had the honour of bringing the case of the negro boy Carlos, under the notice of your Lordship upon various occasions, and

in my despatch of the 3rd of September last year I recapitulated to your Lordship the progress which I had been able to make in tracing the lad's parents; I respectfully beg leave to refer to that communication.

Since the date above mentioned, indeed ever since the year 1843, I have been in correspondence with the Governors of Jamaica, under whose directions every search has been made to discover Carlos's mother; at last it was hoped that a certain Priscilla Brownrigg might be the boy's parent, she having lost a child, stolen from her about the same time that Charles states he was kidnapped.

Priscilla herself was of the opinion that he might turn out to be her long lost son who was taken away from Montego Bay, and the necessary passport having been obtained, she was sent here by Sir Charles Grey in the packet of this month; but I regret to state to your Lordship, that upon their being brought before the Judge, Priscilla at once said that Carlos was not her son, and he as immediately declared that Priscilla was not his mother.

I am, therefore, very apprehensive that our endeavours have been fruitless, and that for want of identifying his person, we cannot obtain the poor fellow's freedom, to which I am quite satisfied he is fully entitled, by his looks, his language, and his demeanour. Priscilla is suffering from the great disappointment she has met with, as she came over fully expecting to find her lost child. She will return to Jamaica by the next packet.

I have, &c.

Viscount Palmerston, G.C.B.

JOS. T. CRAWFORD.

SPAIN (SANTIAGO DE CUBA).

CONSULAR.

No. 243.—Consul Forbes to Viscount Palmerston.—(Rec. Nov. 8.)
 MY LORD, *Santiago de Cuba, October 1, 1848.*

REFERRING to my despatch which I had the honour of addressing to your Lordship under date the 4th ultimo, I now beg leave to acquaint you that since then I have had 2 interviews with his Excellency the Governor of this place respecting the judicial inquiry now pending relative to the restoration to freedom of the negress Betsy and her 2 sons, when I took an opportunity of expressing my disappointment at the delay which had occurred in the decision of this case, and that I was at a loss to understand what his Excellency could require of the Act 46 George III, cap. 52, in order to decide the matter of their freedom, since their manumission was before him, and they had been identified by Mademoiselle Lefevre.

I likewise called his Excellency's attention to the important fact that this is not a common-law question, admitting of litigation with the parties pretending to the ownership of these much-injured subjects of Her Majesty, but one of equity, and one which I earnestly submitted his Excellency was called upon to decide without further delay, in order to prevent greater suffering and inconvenience to the poor woman and her sons.

His Excellency informed me that the Act of George III cited by me, in virtue of which no slave could leave the island of Jamaica at the epoch when Isabel and her sons took their departure from thence, without becoming forfeited to the British Crown, is a document the production of which is absolutely necessary for the solution of this affair, inasmuch as the record of manumission presented by me cannot favour Isabel in the meantime, because she is not identified as being the same person on whom this act of grace was conferred. It only designates one Frances Nelson of Jamaica, through whose instrumentality her freedom was obtained by Mr. George Mackenzie, for which individual he had caused search to be made, but that he could not be discovered, nor could any person be found who could give any information of him.

Of the fact of Isabel and her sons being the identical individuals who accompanied the family of Lefevre from Jamaica to this place he admits that there is no question of doubt, but this does not prove that she is the person to whom the letter of manumission refers; much less when Rosa Lefevre, the only survivor of the said family, has manifested in her declaration that she, as well as her parents, always held Isabel and her sons as slaves of Christian Claver; and besides, while they were living with her parents, previous to the sale of them, effected by Miguel Linares, Isabel had made no reclamation for her liberty, and she had only heard her say that she was free.

I may state, for your Lordship's information, that his Excellency the Governor has assured me that on the production of the aforesaid Act he will forthwith place Betsy or Isabel, and her sons, at my disposal.

I have the honour of transmitting to your Lordship, herewith inclosed, a copy and translation of a despatch addressed to me by his Excellency the Governor relative to this case, under date the 25th, and a copy of my reply, dated the 27th ultimo.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES FORBES.

No. 244.—Viscount Palmerston to Consul Forbes.

SIR,

Foreign Office, November 23, 1848.

I HAVE received your despatches of the 17th of June, the 4th of September, and of the 1st ultimo, on the subject

of the negress Betsy, a native of Jamaica, held in slavery at Santiago de Cuba, and her 2 sons.

With reference to the assurance given to you by Governor MacCrohon, that these people will be placed at your disposal upon the production of an authenticated copy of the Act 46 George III, cap. 52, and in case you should not have succeeded in obtaining such document from the Governor of Jamaica, I herewith transmit 2 copies of that Act.

These copies were printed at the time of the passing of the Act by the King's printer, and in a British Court of Justice would be admitted as authenticated copies.

I am, &c.

J. Forbes, Esq.

PALMERSTON.

No. 245.—Consul Forbes to Viscount Palmerston.—(Rec. Dec. 4.)

MY LORD,

Santiago de Cuba, November 4, 1848.

I HAVE the honour to transmit herewith, for your Lordship's information, copies of a correspondence which has taken place between his Excellency the Governor of this place and me, relative to the judicial inquiry instituted at my instance in his Excellency's tribunal for the liberation of the negress Betsy and her 2 sons.

I think it is probable that the dictamen of the assessor in this case is drawn, raising difficulties as to the plea of the woman and her offspring having been manumitted by Mr. George Mackenzie, and criminally sold and held in slavery in this place, purposely to close the door to after claims, which if their freedom is obtained in virtue of provisions of the Act of Parliament 5 George IV, cap. 113, under the idea that it would serve the purpose of the different parties against whom recourse would be had for indemnity.

There may be great difficulty in identifying the negress Betsy and her sons; but as it is desirable to obtain their freedom without further delay, and as the production of the Act of Parliament referred to is now the condition, I have obtained an authentic copy thereof from his Excellency the Governor of Jamaica, and have transmitted the same to the Governor of this place, in conformity with the decree of his tribunal; craving that Betsy and her sons might forthwith be placed at my disposal in conformity with the provisions thereof.

Their freedom once obtained, the circumstances of their manumission in Jamaica can be more leisurely gone into, and the parties who are responsible, in the event of Betsy being legally identified as the same negress emancipated by Mr. George Mackenzie, will not, I apprehend, be released of their liability by the woman's taking advantage of the Act referred to, as the most expeditious means of accomplishing the liberation of herself and children.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES FORBES.

No. 246.—*Consul Forbes to Visc'. Palmerston.*—(Rec. Jan. 26, 1849.)

MY LORD,

Santiago de Cuba, December 16, 1848.

IN compliance with the instruction contained in your Lordship's despatch dated the 18th of September last, I have the honour to transmit to you herewith, for the information of Her Majesty's Government, a list of all British subjects within the district of this Consulate, who are owners of slaves, distinguishing those who have domestic slaves and those who have slaves employed in agriculture or in mining.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES FORBES.

(Inclosure.)—*Return of all British subjects who are slave-holders within the district of Her Majesty's Consulate at Santiago de Cuba, distinguishing those who have domestic slaves and those who have slaves employed in agriculture or in mining.*

*British Consulate, Santiago de Cuba,
December 16, 1848.*

No.	Owners' Names.	How employed.			Observations.
		Domestic.	Agriculture.	Mining.	
1	Consolidated Cobre Mining Association	None	None	Mining	<p>1. The slaves which belonged to this Company have been transferred and now stand, as I am informed, in the name of Don Pedro Ferrer, a Cubano and an employé of the said Company; I am not, however, prepared to say that they are bona fide his property.</p> <p>2. The slaves which belonged to the late John Hardy, senior, were left by him under the surveillance of his executor in Cuba, Thomas Brooks, in order to be gradually manumitted according to their good conduct.</p> <p>3. The coffee plantation as well as the slaves thereon stand in the name of Mr. Brooks's wife (a Cubana) and her children.</p> <p>4. The coffee plantation and negroes thereon are said to stand in the name of Madame Stephens (a Frenchwoman) and her children.</p> <p>5. The Santiago Mining Company have not to my knowledge owned any slaves, their mining operations having been carried on by hired negroes and emancipados, and the only British subject now connected with that establishment who is a slave-owner is the cashier, Mr. Samuel B. Morris, and he alleges that they belong to his wife, a native of the village of Cobre.</p>
2	The heirs of the late John Hardy, senior	Ditto	Ditto	Ditto	
3	Thomas Brooks	Domestic	Agriculture	None	
4	Richard Stephens	Ditto	Ditto	Ditto	
5	Samuel B. Morris	Ditto	None	Mining	
6	The heirs of the late Wm. Reynolds	Ditto	Ditto	Ditto	
7	James Reynolds	Ditto	Ditto	Ditto	
8	David Owen	None	Ditto	Ditto	
9	James George	Domestic	Agriculture	Ditto	
10	James Mason	Ditto	None	None	
11	William Graham	Ditto	Agriculture	Ditto	
12	Simon O'Callaghan	Ditto	Ditto	Ditto	
13	Mary Thomas	Ditto	None	Ditto	
14	Patrick Murphy	Ditto	Agriculture	Ditto	
15	James Paterson	Ditto	Ditto	Ditto	
16	Samuel Chapman	Ditto	Ditto	Ditto	
17	Benjamin Driggs	Ditto	Ditto	Ditto	
18	Thomas Worth	Ditto	None	Ditto	
19	George Worth	Ditto	Ditto	Ditto	
20	Reuben Cohen	Ditto	Agriculture	Ditto	
21	John James Hall	Ditto	None	Ditto	
22	Albert S. Nunes	Ditto	Ditto	Ditto	
23	John La Motte	Ditto	Ditto	Ditto	

JAMES FORBES.

No. 247.—*Consul Forbes to Viscount Palmerston.*—(Rec. March 14.)

MY LORD,

Santiago de Cuba, February 2, 1849.

I HAVE had the honour to receive your Lordship's despatch dated the 23rd of November last, acknowledging the receipt of my despatches on the subject of the negress Betsy, a native of Jamaica, held in slavery in this place, and her 2 sons, and transmitting to me 2 copies

of the Act 46 Geo. III, cap. 52, the production of an authenticated copy of which being the condition stipulated by Governor MacCrohon for placing these people at my disposal.

One of these copies I have transmitted to Consul-General Crawford, for the use of his office, he having requested of me a manuscript copy thereof, certified in due form by myself and the Governor of this place, and the other copy I have deposited in the archives of this Consulate.

I now have the honour of transmitting to your Lordship, herewith enclosed, a copy and translation of a despatch received by me from his Excellency Governor MacCrohon, dated the 26th ultimo, relative to Betsy's case, as well as a copy of my reply, dated the 1st instant.

It may not prove superfluous to acquaint your Lordship that I am informed by the Fiscal in this case, that the "espediente" or process has been transmitted back by the superior tribunal to the court below, with instructions to follow up the "sumaria" or proceedings instituted against the parties criminally implicated in the sale of Betsy and her sons; from which it may be inferred that this superior tribunal has taken a different view of the case from that entertained by the inferior court, inasmuch as it would appear that that tribunal seems to hold that Betsy and her sons should be restored to freedom, in virtue of the record of their manumission, and not be given up as forfeited to the British Crown under the provisions of the Act 46 Geo. III, cap. 52. This opinion will, I apprehend, tend so far to explain the purport of his Excellency's present despatch.

In conclusion I may inform your Lordship that the negro Jozé is now working as a carpenter on his own account, and is earning from 25 to 30 dollars monthly; Louis is following up his trade as a mason; and Betsy, the mother, I presume keeps house for them.

I have, &c.

Viscount Palmerston, G.C.B.

JAMES FORBES.

SPAIN (PORTO RICO).

CONSULAR.

No. 248.—Consul Lindegren to Viscount Palmerston.—(Rec. April 24.)
 MY LORD, *San Juan, Porto Rico, March 22, 1848.*

SINCE I had the honour of addressing your Lordship on the 18th ultimo, I have received a letter from Vice Admiral Sir Francis Austen, in answer to my communication to him relative to the recent movements in the Slave Trade, in which he tells me that he has placed my letter in the hands of the senior naval officer at Barbadoes, with

instructions to him to cruize off this island when his other numerous duties will allow of it, and that he hoped soon to be able to appropriate a vessel entirely for that service.

No vessel with slaves has as yet arrived here, and the owner of one which sailed some months ago for the coast of Africa is under much anxiety from her not being returned; so very likely she has been captured.

I am informed that the inhabitants of Curaçoa have petitioned the King of Holland to allow the exportation of slaves without the present restrictions, it not being permitted at present to send them out of the island, unless with the consent of the slaves themselves, as they have more than they want, and the prices being low, they expect by exporting them to sell them to much more advantage. It is probable that the King of Holland may not give his consent to it; but I take the liberty of mentioning it to your Lordship, as I have every reason to believe my information to be correct, and if it was allowed, they would without doubt depend upon selling a great many to the planters of this island.

A person has just been shipping about 80 slaves from hence for the Havana, in a vessel called the *Paquete de Puerto Rico*, for which he has obtained a licence from the Government here. A few of them were part of those brought from Curaçoa which had not been sold, and the rest belonged to this island. As, however, they are removed from one Spanish colony to another, I did not consider that it was a case in which I could interfere.

I have. &c.

Viscount Palmerston, G.C.B.

JOHN LINDEGREN.

No. 256.—Consul Lindegren to Visc^t. Palmerston.—(Rec. Jan. 8, 1849.)

MY LORD,

San Juan, Porto Rico, December 4, 1848.

I HAD the honour on the 30th of October last to acknowledge the receipt of your Lordship's despatch dated the 18th of September, desiring me to send your Lordship a list of all British subjects within the district of this Consulate, who are holders of slaves, distinguishing those who have domestic slaves and those who are employed in agriculture or mining; and I now beg leave to inclose the required list, made out agreeably to your Lordship's directions; but as there are a few mechanics, such as coopers, among the slaves held by British subjects, I have included the owners of them with those holding domestic slaves, and nearly all those who have slaves employed in agriculture have also domestic slaves. There are several British subjects over the large extent of this island who are managers or overseers of estates or mechanics, but I have no means of ascertaining their number or their names, except where there are British Vice-Consuls, or from chance communication with them, and I do not believe that any of them are owners of slaves except those whose

names are inserted in the accompanying list, and of these there are not more than 3 or 4 who have any number of slaves.

There are several persons here with English names and speaking English perfectly, who are natives of the Danish Island of St. Croix, so that it is difficult to distinguish them from British subjects, but they are principally managers or overseers of estates.

If I should be able to ascertain the names of any other British subjects holding slaves in this island, I shall not fail to communicate them to your Lordship, and I beg to add that they are not working any mines at present, and therefore no slaves are employed in them.

I have, &c.

Viscount Palmerston, G.C.B.

JOHN LINDEGREN.

(Inclosure.)—*A list of British subjects holding slaves in the Island of Porto Rico.*

Domestic Slaves.		Slaves employed in Agriculture.	
Names.	District where residing.	Names.	District where residing.
Roger Gowen ..	Guayama.	Thomas Kearney ..	Guayama.
Brian O'Hara ..	Ditto.	David Clark ..	Ditto.
Samuel Newton Kortright	Manati.	Francis Stewart ..	Arecibo.
		William Denton ..	Ditto.
		William Gregg ..	Manati.
		Thomas Quigley ..	Loesa.
		Martin Cogley ..	Ditto.
		James Gilbec ..	Pouce.
		Richard D. Jacob ..	Ditto.
		William Noble ..	Naguaybo.

Mr. Cornelius H. Kortright, holder of domestic and agricultural slaves, is considered here as an Englishman, but upon inquiry I find that he was born in the Danish Island of St. Croix, where his family resided.

JOHN LINDEGREN.

TRIPOLI.

No. 258.—*Consul-General Crowe to Visc^t. Palmerston.*—(Rec. April 8.)

MY LORD,

Tripoli, February 28, 1848.

I HAVE the honour to acquaint your Lordship that, according to a statement received from Her Majesty's Vice-Consul at Mourzouk, the number of slaves arrived there from Soudan and Bornou during

the last year was 1281, two-thirds of whom were females. About 160 men had died on the way, the small-pox having broken out among them soon after they had left Bornou.

From Her Majesty's Vice-Consul at Bengazi I learn that during the same period about 1,300 slaves, the greater part of whom were young girls, had been brought there from Waday. Many perished on the road, exhausted by the fatigue and suffering of so long a journey.

The whole number shipped at this port and Bengazi for the Levant within the year has been nearly 2,000. I have, &c.

Viscount Palmerston, G.C.B.

G. W. CROWE.

No. 261.—*Consul-General Crowe to Visc^t. Palmerston.*—(Rec. April 8.)

MY LORD,

Tripoli, March 2, 1848.

I HAVE had the honour to receive your Lordship's despatch of the 31st December last, relative to the 11 negresses liberated by the Ionian Government, who returned here some months since.

In obedience to the instructions therein contained, I shall continue to protect them against any attempt to reclaim them as slaves, but shall give them to understand that they must maintain themselves by their own exertions, and must not look to the British Government for support.

I have, &c.

Viscount Palmerston, G.C.B.

G. W. CROWE.

No. 262.—*Consul-General Crowe to Visc^t. Palmerston.*—(Rec. May 1.)

MY LORD,

Tripoli, March 30, 1848.

AMONGST the deplorable results of the ill-fated expedition up the Niger in 1841, I fear must now be reckoned one that was least of all apprehended. The avowed object of that expedition, as I have understood, was to proceed upwards as far as Rabbah, and to induce those chiefs of Central Africa from whose dominions the Slave Trade is principally supplied with its victims, to consent to the abandonment and absolute prohibition of the inhuman commerce.

Whatever readiness these chiefs may have professed to enter into the engagements proposed to them, it is certain they never observed them. The supply of human victims from their States has suffered neither interruption nor diminution. And now it will be seen by the statements contained in Vice-Consul Gagliuffi's letter of the 22nd February last, a copy and translation of which are inclosed, that the practicability of ascending the Niger in vessels of considerable burthen, having been demonstrated both by the Government Expedition of 1841, and the previous mercantile adventure of 1836, daring speculations have hastened to take advantage of the knowledge thus acquired, and have sent vessels to Rabbah for the purpose of bringing

the slaves purchased there down the river. This event has tripled the ordinary price of the slave, having raised it from 20,000 cowries (10 dollars), to 60,000, or 30 dollars, and will proportionately stimulate and give increased activity to the detested traffic.

Rabbah, which it was hoped might be made the centre of African civilization, from whence the light of morality and religion would be diffused throughout this benighted continent, is plunged deeper in guilt, and is becoming the principal mart of slavery; so that the expedition which terminated so fatally may be said to have served as pilot and beacon to the slave-ships, which being manned with crews inured to the climate, and sailing at the healthy season, will, in all probability, perform their voyages with safety and success.

I have, &c.

Viscount Palmerston, G.C.B.

G. W. CROWE.

(Inclosure.)—Vice-Consul Gagliuffi to Consul-General Crowe.

SIR, (Translation.) Mourzouk, February 22, 1848.

A DEALER lately arrived from Soudan, informs me, that having gone in the beginning of last summer to a town of Jacoba, towards the south, he there heard that at Rabbah there were 2 vessels shipping slaves, and that in consequence the price had risen up to 60,000 cowries each. Adult males were alone in request; neither boys nor females were received. My informant stated, that hitherto the ordinary price of such slaves was under 20,000 cowries each.

Having asked him whether the persons who bought these slaves were whites, he replied, that according to the description given to him, they were of brown complexion; and pointing out a person who was present as being of the colour he meant, I conclude they are mulattoes.

Such is the information which I have been able to collect from him.

G. W. Crowe, Esq.

G. B. GAGLIUFFI.

No. 266.—Consul-General Crowe to Visc^t. Palmerston.—(Rec. Nov. 24.)

MY LORD, Tripoli, October 23, 1848.

It is my painful duty to lay before your Lordship copies of a correspondence and of an inquiry relative to the embarkation of some slaves at Bengazi, in which it appears that a British subject was implicated.

Some time ago Mr. Nani and his brother, Maltese merchants residing at Bengazi, purchased a schooner called *Tre Fratelli*. Of this vessel they are still the reputed owners, and have the entire direction and management. It sails under the Ottoman flag, and is considered both here and at Bengazi, as *Nani's schooner*, by which name it is commonly called.

The Acting Vice-Consul, Dr. Casolani, in a despatch of which I inclose a copy, states, that it having been reported to him that some slaves had been shipped on board this vessel, he addressed a note to Messrs. Nani, demanding that they should be immediately disembarked.

Upon the receipt of this order, it appears that Mr. Alexander Nani called upon the Acting Vice-Consul, and admitted that some slaves had been shipped on board the *Tre Fratelli*, mentioning the freight agreed upon; admitting also that he and his brother were the consignees of the vessel, but denying that they were the owners.

Dr. Casolani represented to him that even if he could prove that he was not owner of the vessel, still a grave responsibility attached to him, as being the consignee, and as having procured these slaves as part of the cargo, and deriving profit from the freight.

Mr. Nani asked time to reflect and consult his friends, and returning an hour afterwards, declared he would have the slaves landed immediately.

Soon after this he called again upon Dr. Casolani, and stated that the disembarkation had been effected; but upon being told that this could not be true, as the dragoman of the Consulate had been stationed on the Mole for the express purpose of seeing that the slaves were landed, with orders to report the fact immediately. Mr. Nani then said that they had been transshipped on board an Ottoman bombard at anchor in the harbour.

This statement was also disproved by the testimony of 3 persons whom Dr. Casolani had ordered to watch the movements of the vessel, as she left the port; and yet, in reply to Dr. Casolani's note, Mr. Nani affirms that he had had the slaves disembarked.

Dr. Casolani intimated to him in answer, that he should not consider the slaves as having been disembarked from the *Tre Fratelli*, unless the dragoman of the Consulate saw them landed on the Mole.

Of this intimation Mr. Nani took no notice; and being thereupon summoned before the Acting Vice-Consul, he declared that he was no longer consignee of the vessel, and that for further information respecting the slaves, Dr. Casolani might address himself to the Governor, or to the owners of the slaves.

Upon the receipt of this report I immediately sent instructions to Colonel Herman, then on his way to Bengazi, to institute a strict inquiry into the subject, and to take the evidence of all such persons as could furnish information relating to the case.

I have the honour to transmit herewith a copy of his despatch, and of the proceedings of the court of inquiry annexed, which appear to establish clearly the fact of the shipment of the slaves on board the *Tre Fratelli*, and of their having left the port in that vessel.

Mr. Nani's own admission shows that he was cognizant of the fact

of shipment, that at the time he had the direction of the vessel and the power to order the disembarkation. Even if it had been true that he had ordered their transshipment on board another vessel, where they were detained, he would be equally guilty of a violation of the statute.

It can scarcely be presumed that he was ignorant of the law upon the subject, or of the incessant and anxious endeavours of Her Majesty's Government to suppress this odious traffic, since his brother, with whom he had resided for about 7 years, was always appointed by Mr. Wood to act for him as Vice-Consul during his frequent absences from Bengasi.

This being a case of which I am not competent to take judicial cognizance, since the minimum of the penalties attached by the statute to the offence is much greater than those which the Act giving Consuls criminal jurisdiction empowers me to impose, I do myself the honour, in conformity with the instructions contained in the circular of the 31st December, 1843, to submit the matter to your Lordship's consideration.

I have, &c.

Viscount Palmerston, G.C.B.

G. W. CROWE.

No. 267.—Viscount Palmerston to Consul-General Crowe.

SIR,

Foreign Office, January 22, 1849.

I HAVE received your despatch of the 23rd of October last, and its inclosures, reporting that some slaves had been shipped at Bengazi for conveyance to Canea, on board the schooner *Tre Fratelli*, of which the British subjects Messrs. Cæsar Nani and Co, merchants of Bengazi, are said to be either the owners or consignees.

I referred that despatch and its inclosures to the law advisers of the Crown, for their opinion as to what steps could be taken in order to bring Messrs. Nani to justice ; and I have now to acquaint you that they have reported it to be their opinion that it is competent to you, under the Order in Council of the 19th of June, 1844, to cause those persons to be arrested and to send them to Malta for trial, under the Foreign Jurisdiction Act, 6 and 7 Victoria, cap. 94, for the felony of which they have been guilty under the statute 5 George IV, cap. 113, section 10, as extended by the statute 6 and 7 Victoria, cap. 98.

From your despatch, and from the papers which accompany it, there appears to be strong presumptive evidence of the guilt of Messrs. Nani ; and I have accordingly to inform you that I have requested the Lords Commissioners of the Admiralty to desire the Commander-in-chief of Her Majesty's ships in the Mediterranean, to put himself into communication with the Governor of Malta, relative to sending a ship of war to Bengazi for the purpose of carrying the accused parties and the witnesses to Malta for trial ; and that I have moved the Secretary of State for the Colonial Department to

issue the necessary instructions to the Governor of Malta on this subject.

I have therefore to instruct you, on the receipt of this despatch, to cause the Messrs. Nani to be immediately arrested, and to be retained in safe custody until the arrival of the ship of war.

You will transmit to the Governor of Malta such depositions taken on oath as you may be able to obtain, tending to prove the truth of the charge against Messrs. Nani; and you will also send to Malta any witnesses who may be able to depose before the court as to the facts of the case.

It appears to me to be among other things desirable, that the original correspondence between Dr. Casolani and Messrs. Nani, with the signatures of the latter duly certified, should be sent to Malta; and that the dragoman who watched the proceedings should be sent to Malta to make his deposition in person.

I rely on your zeal and diligence for collecting proper and sufficient proof of the criminality of Messrs. Nani; and I have to desire that you will take all the necessary steps in this important matter with circumspection and dispatch.

I am, &c.

G. W. Crowe.

PALMERSTON.

TURKEY.

No. 268.—*Mr. Alison to Viscount Palmerston.*—(Received April 22.)

MY LORD,

Constantinople, April 3, 1848.

WITH reference to your Lordship's despatch to Lord Cowley, I have the satisfaction of inclosing the translation of a vizierial letter addressed to the Mousheer of Tripoli.

I have, &c.

Viscount Palmerston, G.C.B.

C. ALISON.

(Inclosure.)—*The Grand Vizier to the Pasha of Tripoli.*

D'APRES les informations qu'on vient de nous donner, quelques autorités de Tripoli se livrent au trafic des esclaves.

On n'a pas besoin de dire à votre Excellence que le métier du trafic des esclaves n'est pas une chose louable, et que cela étant, il n'est pas convenable, il n'est pas digne des autorités de la Sublime Porte de l'exercer.

Conformément donc à cette sagacité et à cette prudence qui vous caractérisent, votre Excellence donnera à cet égard des ordres à qui il est nécessaire, et elle mettra ses soins à empêcher cet état de choses.

No. 269.—Viscount Palmerston to Sir Stratford Canning.

SIR,

Foreign Office, August 5, 1848.

WITH reference to Lord Cowley's despatch of the 3rd of February last, in which his Lordship announced to me that he had received an assurance from Aali Effendi, that measures should be taken by the Porte to prevent Mahomed Sheriff Said, the Governor of Tripoli, from carrying on the Slave Trade; I herewith transmit to your Excellency a copy of a despatch from Her Majesty's Consul-General at that town, reporting that although the Ottoman Government have issued orders to prohibit officers in the service of the Porte within the Regency of Tripoli, from engaging in Slave Trade, the Governor of that place still continues extensive speculations in that barbarous traffic, under the pretence that the orders referred to apply only to persons holding office directly under the Turkish Government.

I have to instruct your Excellency to communicate the substance of the inclosed despatch to the Turkish Government, and to urge them to take effectual steps for preventing any person holding, whether directly or indirectly, any official situation under the Turkish Government, from being concerned in this disgraceful traffic.

I am, &c.

Sir Stratford Canning.

PALMERSTON.

No. 270.—Sir Stratford Canning to Visc^t. Palmerston.—(Rec. Oct. 3.)

MY LORD,

Therapia, September 15, 1848.

INCLOSED herewith is the translation of a vizierial order directing the Pasha of Tripoli in very positive terms, to prevent all persons in public employments from taking any part in the commerce of slaves.

I have, &c.

Viscount Palmerston, G.C.B.

STRATFORD CANNING.

(Inclosure.)—The Grand Vizier to the Pasha of Tripoli.

(Traduction.)

JE vous ai écrit il y a peu de temps pour vous dire de défendre le commerce des esclaves auquel quelques employés publics se croient d'ordinaire à Tripoli. J'avais donc lieu de croire que vous prendriez des mesures pour y remédier.

On dit cependant que quelques uns de ces employés font encore ce commerce. Or je n'ai pas besoin de vous répéter que ce commerce est par sa nature une mauvaise chose, et qu'il ne convient en aucune manière aux employés publics de s'y livrer.

Votre Excellence doit donc donner des ordres rigoureux à cet égard à ceux qu'il faut, et prendre sans aucun délai les mesures nécessaires pour faire cesser cet état de choses de manière à ce qu'il

ne soit plus nécessaire que je lui écrive de nouveau sur cette matière, et c'est à cette fin que je lui écris la présente lettre.

No. 271.—Viscount Palmerston to Sir Stratford Canning.

SIR,

Foreign Office, October 18, 1848.

I HAVE received your despatch of the 15th ultimo, inclosing a translation of an order issued by the Grand Vizier to the Pasha of Tripoli, directing him to prevent all persons in public employments from taking part in the traffic in slaves.

And I have to instruct your Excellency to convey to the Turkish Government the thanks of Her Majesty's Government for this proceeding on the part of the Grand Vizier.

I am, &c.

Sir Stratford Canning.

PALMERSTON.

UNITED STATES.

No. 272.—Viscount Palmerston to Mr. Bancroft.

Foreign Office, May 18, 1848.

THE Undersigned, &c. has the honour to inform Mr. Bancroft, that he has received a despatch from Mr. Westwood, Her Majesty's Acting Consul at Rio de Janeiro, containing his annual report upon the Slave Trade in Brazil, in which report Mr. Westwood states, amongst other facts relating to the trade, that the Brazilian slave-dealers derive great protection and assistance in their criminal undertakings from the employment of the flag of The United States for slave-trading purposes.

The Undersigned begs leave to transmit to Mr. Bancroft an extract of Mr. Westwood's despatch to which he refers, and has the honour to request that Mr. Bancroft will have the goodness to bring the statement contained in it to the notice of the United States' Government.

The Undersigned, &c.

G. Bancroft, Esq.

PALMERSTON.

No. 273.—Viscount Palmerston to Mr. Crampton.

SIR,

Foreign Office, May 18, 1848.

WITH reference to my despatch to Mr. Pakenham, dated the 22nd of June, 1847, and to your despatch of the 29th of July following, respecting the extensive use which is made of The United States' flag and the frequent employment of United States' vessels for purposes connected with the Slave Trade; I transmit to you herewith an extract of a despatch from Her Majesty's Acting Consul at Rio de Janeiro to the same purport, showing that the Brazilian slave-dealers derive great

protection and assistance in their criminal undertakings from the employment of The United States' flag for slave-trading purposes. I have to desire that you will bring the statement contained in this paper to the notice of the Government of Washington, in corroboration of the facts to which you have before drawn their attention.

I am, &c.

J. F. Crampton, Esq.

PALMERSTON.

No. 286.—Viscount Palmerston to Mr. Crampton.

SIR,

Foreign Office, January 26, 1849.

I HEREWITH transmit to you copies of 2 despatches from Her Majesty's Chargé d'Affaires at Rio de Janeiro, reporting that American vessels are extensively employed in the importation of slaves into Brazil.

I have to instruct you to show these papers to Mr. Buchanan, and to request the serious attention of The United States' Government to this subject. You will say, that The United States have declared Slave Trade to be piracy, and have decreed capital punishment to any citizen of The United States who may engage in it, and that they will surely not permit their laws to be openly violated, merely because the slaves bought and sold are to be landed in Brazil instead of The United States. You will also say, that by the Treaty of Washington The United States' Government engaged to join with that of Great Britain in all becoming representations and remonstrances with any and all Powers within whose dominions slave-markets are allowed to exist, and to urge upon all such Powers the propriety and duty of closing such markets effectually, at once, and for ever; but The United States' Government must surely feel that any remonstrances which, in execution of that engagement, it might make to the Government of Brazil, could have but little weight while citizens and vessels of The United States are known to be engaged at Rio de Janeiro and at Bahia in carrying on that very traffic which The United States' Government would be urging the Government of Brazil to compel its Brazilian subjects to abandon.

I am, &c.

J. F. Crampton, Esq.

PALMERSTON.

No. 287.—Viscount Palmerston to Mr. Crampton.

SIR,

Foreign Office, March 8, 1849.

I HEREWITH transmit to you an extract from a report, dated Simon's Bay, December 1, 1848, from Vice-Admiral Dacres, late Commander-in-chief of Her Majesty's ships and vessels on the Cape of Good Hope station, to the Secretary to the Admiralty, upon the state of the African Slave Trade within the limits of his command.

You will communicate this paper to The United States' Government, as showing the fraudulent manner in which the flag and

vessels of The United States are made use of to aid and protect the Slave Trade.

I am, &c.

J. F. Crampton, Esq.

PALMERSTON.

(Inclosure.)—Rear-Admiral Dacres to the Secretary to the Admiralty.

(Extract.)

President, *Simon's Bay*, December 1, 1848.

THE practice of employing American vessels on voyages to the coast of Africa, when, on the necessary arrangements being completed they are turned into slave-vessels, has been frequently brought to the notice of Her Majesty's Government by Her Majesty's Minister at Rio de Janeiro, &c. This practice, it is believed, has been general with all the vessels which have lately resorted to the east coast of Africa on slaving voyages. The vessels arrive thereon with American colours, under which they remain until the slave cargo is prepared, and other arrangements for receiving the same completed; a simulated register accounts for the future crew as passengers, and when all is ready, the American colours are hauled down, the former captain and crew probably repair on board some other vessel (an accomplice in the transaction), and the slave-ship starts with her cargo either under Brazilian colours, or with none at all. Sometimes it is found convenient to change the colours before the completion of the final arrangements, and hence the capture of the *Constante*, *Improviso*, and *Phaon*, all of which were of American build, but under Brazilian colours. It is also customary for a vessel to be dispatched to the Coast, the captain of which is a kind of agent, furnished with a certain amount to purchase and arrange slave cargoes for vessels afterwards to arrive on the Coast; this vessel will remain many months and even years thus employed, until the funds are exhausted, when she winds up by receiving a cargo of slaves herself. From information obtained, there was but little doubt but that the *Amelia*, *Constante*, and *Lucy Penniman*, were vessels of this description; both the *Amelia* and *Lucy Penniman* were known to have been on the Coast a long time; all 3 were capacious vessels and capable of holding a large number of slaves.

The capture, therefore, of the 2 former, and the interruption to the latter vessel were very satisfactory, and no doubt prevented the expatriation of nearly 2,000 slaves, besides disheartening the slave-dealers to a great extent. The *Phaon* was a new American clipper, and reputed to be a very fast sailer; a slave cargo was in waiting for her, it is believed, at Luabo, and hence her capture was very fortunate. I have, I trust, exhibited in a satisfactory manner to their Lordships, that though the captures of slave-vessels have not been so numerous during the period of my command, those which have been made, and, I might add, but for the protection given to them by the American flag, might further have been made, have been very effective; and I

have no doubt greatly assisted in the decline of the Slave Trade from the east coast of Africa.

The Secretary to the Admiralty.

S. C. DACRES.

UNITED STATES (NORFOLK).

CONSULAR.

No. 288.—Consul Waring to Viscount Palmerston.—(Rec. May 17.)

MY LORD,

Norfolk, April 28, 1848.

WITH reference to your Lordship's circular despatch dated November 11, 1846, referring to the circular despatch issued from the Foreign Office under date of May 8, 1841, and therein transmitting a copy of a memorial from the General Anti-Slavery Convention; I now beg to state to your Lordship I have strictly adhered to the instructions therein given, but lately I have been unable to engage free servants to attend my establishment, having advertised in the newspapers without receiving a single applicant, either male or female, and the laws of this State forbid free coloured people from any other part of The United States to reside here, under any circumstances whatsoever, and white domestics cannot be induced to come from the Northern States to hire themselves in a slave-holding State; these circumstances compel me to call on your Lordship for instructions in this case.

I have, &c.

Viscount Palmerston, G.C.B.

FRANCIS WARING.

No. 289.—Viscount Palmerston to Consul Waring.

SIR,

Foreign Office, May 26, 1848.

I HAVE received your despatch of the 28th ultimo, in which, with reference to my circular despatch of the 8th of May, 1841, by which Her Majesty's functionaries in countries where slavery exists were prohibited from holding or hiring slaves, you state that you find it impossible to engage free servants, and request instructions on the subject.

I have, in reply, to express to you my regret that I am unable to assist you in this matter, for Her Majesty's Government cannot consent under any circumstances to relax the injunction contained in my circular above mentioned.

I am, &c.

F. Waring, Esq.

PALMERSTON.

VENEZUELA.

No. 290.—*Mr. Wilson to Viscount Palmerston.*—(Received April 5.)
 MY LORD, Caracas, February 23, 1848.

It is stated in the report that has been presented to Congress by the Minister for the Home Department, that at an expense of \$4,948,37 = 791*l.* 14*s.* 10*d.*, and in virtue of the provisions of the Venezuelan Law of Manumission, 46 slaves were liberated in the course of the year 1847; and furthermore, that freedom was voluntarily granted by their masters to 5 others.

During the same year, 1847, 608 manumisos (or children of both sexes, of female slaves, born after June 1841) were bound as apprentices, practically as slaves, until they attain the age of 25.

I have, &c.

Viscount Palmerston, G.C.B. BELFORD HINTON WILSON.

No. 291.—*Mr. Wilson to Viscount Palmerston.*—(Received June 21.)
 (Extract.) Caracas, May 4, 1848.

It is gratifying to have it in my power to state to your Lordship that while the Venezuelan nation is engaged in a struggle for civil liberty, the interests of the more suffering portion of humanity have not been forgotten, and that by the promulgation on the 28th ultimo of a law to that effect, the last vestige of the foreign Slave Trade of Venezuela has been effaced.

Henceforward the importation of slaves into the territory of the Republic in any manner in which it may be effected, even under the plea of their being domestic servants, as heretofore has been allowed by law upon conditions which I have frequently explained, is entirely prohibited; and slaves introduced in contravention of this prohibition become *ipso facto* free.

Considering the political influence exercised by the slave-owners, and their tenacity upon all matters connected with the National Institution of Domestic Slavery, the present improvement of the law may be hailed with satisfaction; while much credit is due to General Jozé Tadeo Monagos and M. Rafael Acevedo, for the honest and manly part they have taken in the accomplishment of this philanthropic purpose.

Herewith I beg to inclose to your Lordship a copy and translation of M. Acevedo's note to me, announcing this measure, together with a copy of my reply, and, finally, a copy and translation of the legislative provision by which it has been effectuated.

Viscount Palmerston, G.C.B. BELFORD HINTON WILSON.

No. 292.—*Viscount Palmerston to Mr. Wilson.*

SIR,

Foreign Office, July 10, 1848.

I HAVE received and laid before the Queen your despatch dated the 4th of May last, conveying on the part of M. Acevedo the gratifying intelligence that the Government of Venezuela has passed a law by which the importation of slaves into that country is now entirely prohibited; and any slave upon touching the Venezuelan soil becomes *ipso facto* free.

You will state to M. Acevedo that Her Majesty's Government have received the announcement of this philanthropic measure with very sincere pleasure. They hail it not only as a proof of the good faith of the Venezuelan Government in the fulfilment of their promises to Her Majesty's Government, but also as a gratifying test of the enlightened policy which animates the Republic of Venezuela, and which, by engaging the warm sympathies of the British nation, cannot but contribute to draw still closer the bonds of friendship and good will which already happily exist between the 2 countries.

I am, &c.

B. H. Wilson, Esq.

PALMERSTON.

No. 293.—*Acting Consul-General Riddel to Viscount Palmerston.*

(Received August 5.)

MY LORD,

Caracas, June 28, 1848.

HEREWITH I have the honour to transmit to your Lordship a printed copy in duplicate, together with a translation, of an amended Law of Manumission, which obtained the sanction of the Venezuelan Executive on the 28th of April last.

By this law, most of the provisions of the one previously existing, which have been explained on several occasions by Mr. Belford Hinton Wilson, continue in force, with the exception of the material alteration contained in Article IX, in pursuance of which slaves can now no longer be introduced within the territory of the republic under any pretext whatever, though even in the character of domestic servants, as was formerly permitted under certain regulations; and by the same Article it is declared that slaves who may be imported in violation of this prohibition become by the fact itself free.

A copy and translation of the above-mentioned Article has already been forwarded under cover of Mr. Belford Wilson's despatch of May 4; but it has occurred to me that your Lordship might possibly be desirous to possess a translation of the entire law; more particularly since it appears from the records of this office, that no translation of the law for which the existing one has been substituted was ever transmitted to the Foreign Office.

I have, &c.

Viscount Palmerston, G.C.B.

J. RIDDEL.

(Inclosure.)—*Venezuelan Law of Manumission.*—Caracas, April 28,
(Translation.) 1848.

THE Senate and Chamber of Representatives of the Republic of
Venezuela, assembled in Congress.

DECREE.

ART. I. The effects of the provision of the 1st Article of the Law of the 21st of July, 1821, by which the offspring of female slaves are declared to be free from the day of their birth, and which also enacts that their names, as such, shall be inscribed in the civic registers and parish books, continues in force.

II. The owners of female slaves are under the express obligation of educating, clothing, and maintaining the children such slaves may have had since the promulgation of the Law of the 21st of July, 1821, or that they may hereafter give birth to; but those who have been born subsequent to that date, and prior to the day of the publication of the Law of the 2nd of October, 1830, shall in return reimburse the owners of their mothers for the expenses incurred in training them, by means of the labour and services they shall render to such owners until they have attained the age of 18 years, or until the age of 21 as respects those who have been born subsequent to the publication of the said Law of the 2nd of October, 1830.

III. The grandfathers and grandmothers, or the brothers and sisters, if free, can withdraw the child or youth from the possession of the mother's owner; and this act places him or her in the enjoyment of every civil right.

IV. No other person can remove the child or youth from the hands of the owner of the mother before the age specified, unless it be proved, by means of the State Attorney and before the civil authority, that the mother's owner does not fulfil the duties of patron or guardian imposed upon him by this law, or that he has acted with cruelty.

V. When, in any of the cases referred to in the 2 preceding Articles, the child or youth should depart from the care of the patron or guardian, the party who takes him or her away, or the person to whose house he or she shall go, shall pay to the owner, in consideration of the aliment and education, half of his or her value according to the tariff, supposing such child to be a slave.

VI. When the child, having attained the age of 18 or 21 years, shall no longer be under the control of the owner of its mother, it will be the duty of the owner to make a report to the board established by the XVIth Article, respecting the conduct and behaviour of such children, with a view of their being apprenticed to some useful trade or profession.

VII. No slave shall be sold out of the province in which he or

she may reside, thus separating the child from its parents; but this prohibition shall only continue in force until the children shall have arrived at the age of puberty.

VIII. The sale of slaves beyond the territory of Venezuela, or their extraction from thence for the purpose of sale, is prohibited. Whosoever violates this provision shall pay a fine of 300 dollars for every slave, the amount of which shall be applied to the manumission fund.

IX. The introduction of slaves within the territory of Venezuela, under whatever pretext it may be attempted, even in the character of domestic servants, is prohibited. Slaves imported in defiance of this prohibition immediately become by the act itself free.

X. A fund for the annual manumission of slaves is hereby created, composed, 1st, of 2 per cent. upon the total value of the property of those who die leaving collateral heirs; 2ndly, of 10 per cent. on the total value of the property of those who die leaving heirs alien or not of kin; 3rdly, of the liquidated property of those who die intestate, leaving no heirs who can by law inherit, and in which case the Fisc would by right take possession; 4thly, of charitable donations and pious bequests received from the benefactors of this estimable institution, whose names shall be published in its annual reports.

CLAUSE 1. The investigation into the value of the property pertaining to the manumission fund, arising out of collateral inheritances or testamentary bequests to heirs alien or not of kin, shall be made by means of judicial arbitration between the heir or heirs and 3 commissioners of confidence named by the manager of the manumission fund before the civil authority of the parish. Should they not be able to agree with respect to the value, the Judge shall strike an average between the prices fixed by the 2 parties; and should they still be unable to come to an understanding, the formation of a judicial inventory or valuation shall be proceeded with.

2. The natural ascendants or descendants shall not be considered as alien heirs, whether they succeed to the property by will or as heirs-at-law.

3. When it happens that the deceased has granted freedom to one or more slaves, if their value is equal to the manumission tax in amount, nothing on that account shall be recovered from the heir or executor; but if their value should not be equal, the balance shall be demanded.

4. The amount of the impost that may be due to the manumission fund, owing to the death of any citizen, shall be paid in that canton where the bulk of the property of the deceased may exist, although there may happen to be other effects in a distinct canton.

XI. The number of slaves to be annually emancipated in Venezuela shall be equivalent to the maximum that during a like period

may have been manumitted in virtue of anterior provisions respecting emancipation.

XII. This number of slaves which has amounted to 20, shall be divided every 4 years amongst all the provinces, in proportion to the quota held by each of the entire number of slaves existing in the whole State.

XIII. If the total amount of the funds referred to in Article X does not during the year yield a sum sufficient for the emancipation of the appointed number, the deficiency shall be supplied from the public treasury, in virtue of an order from the Government, who shall divide the amount amongst the provincial treasuries, in proportion to the number of slaves that each province may have to liberate in the year, and to the deficiency of the fund destined to that object.

XIV. In the capital of each province, a Superior Board of Manumission shall be established, composed of the Governor of the province, of the Vicar, or, in his absence, of the senior Curate of the capital or parish, and of a Member of the Provincial Assembly.

XV. It is the duty of the Provincial Board, 1st. To meet once in every month; 2nd. To arrange with the Inferior Boards of cantons, and to require them to perform their duties; 3rd. To receive from them, and, when necessary, to solicit the accounts of the funds collected in each canton; to examine, correct, approve, and pass them to the Government in the last month of the year; 4th. To distribute to the respective cantons the suppletory quota that may be received from the Treasury according to Article XIII; 5th. To draw up every 4 years a statement of the number of slaves in each province, collecting and revising the separate lists formed by the cantonal boards; and 6th. To make reports to the Provincial Assemblies of all that may have been done or have occurred respecting the subject of manumission, to be accompanied with their corresponding statements and data, in order that those corporations may, during their annual sessions, efficiently exercise the attributes conferred upon them by the constitution, of watching over the observance of this law.

XVI. In the chief town of each canton there shall be an Inferior Board of Manumission, which shall assemble once in every month, composed of the principal civil magistrate of the place, the visiting ecclesiastical vicar, if there should be one, or in his absence, of the curate, a resident, and a treasurer of responsibility, who shall be nominated by the Governor of the province.

XVII. It is the duty of the Cantonal Boards of Manumission: 1st. To elect a Commissioner in each parish, who may institute inquiries and supply information respecting those that die, leaving property in any of the three cases alluded to in Article X; 2nd. To recover, with promptness and accuracy, the impost for the manumission of slaves in any of those three cases; 3rd. To cause to be paid

to the treasurer the amount collected, together with a proper account and statement; 4th. To send in to the provincial Board of Manumission on the last month of the year, an account of these funds; 5th. To emancipate the number of slaves corresponding to the canton, in pursuance of the order that may be forwarded to it by the Provincial Board of Manumission, and with the sum which in default of the necessary amount, may be remitted to it by the same board; 6th. To prepare every 4 years, with the assistance of the parochial commissioners, a list of the number of slaves in the canton, availing itself for that purpose of the civil and ecclesiastical census of the parish; 7th. To co-operate with the Government, and by means of the Provincial Board of Manumission, in furtherance of the useful employment and occupation of the emancipated in conformity with Article VI.

Only Clause. The treasurer of the manumission fund of the canton shall receive for collection and custody 5 per cent. on all sums recovered by him from the estates of parties deceased, according to Article X.

XVIII. The registrar, magistrate, or justice of the peace who may intervene in the matter of wills and of the property of persons dying intestate comprised in Article X, shall give notice to the parochial commissioner and to the principal civil authority of the canton, stating also the name of the testator or deceased and the day on which the testament has been made or on which the person has died intestate. The curate will report to the local justice the names of the individuals who may die within his parish.

Only Clause. The omission to give this notification will subject the registrar, magistrate, or justice of the peace, to a fine, equal to the amount of the impost due upon the property, or to a fine of 100 dollars in the case of intestate property.

XIX. The manumission throughout the provinces shall take place at Christmas, by which time the accounts of the funds of this institution ought to have been made up, or the sums to be supplied to the Boards of Manumission from the respective treasuries have been solicited from and their payment ordered by the Government to the said Boards of Manumission, so that they may be enabled to fulfil their duties in conformity with Article XV.

XX. The selection of slaves to be liberated shall be made in each canton by its respective board, the preference to be given, 1st, To the most advanced in years; 2nd, To the most honest and industrious; 3rd, To those belonging to the testator or to the property of the person having died intestate, so far as the value of one or more slaves may equal the amount of duty due from the estate to the manumission fund.

Only Clause. Should there be no slaves in a canton in which funds have been collected, they shall be applied to their object by the Provincial Board for the emancipation of slaves of another canton in the same province. The funds collected in a province in which there are no slaves to emancipate shall be appropriated by the Government for a like purpose in another province.

XXI. The Government shall publish every year, 1st, The names of the slaves liberated in each province; 2nd, The total amount of the manumission fund collected in the previous year; and 3rd, The supplement granted out of the state treasuries.

XXII. The contribution and adjudication referred to in Article X shall be abolished by the fact itself of the extinction of slavery throughout the territory of the State; and no authority shall apply to any other purpose the smallest portion of the fund.

XXIII. The Law of the 21st of July, 1821, the Decree of the 28th of June, 1827, and the Law of the 2nd of October, 1830, are entirely abolished.

Given in Caracas on the 21st of April, 1848, the 19th year of the Law and the 38th of Independence.

EDUARDO A. HURTADO, *President of the Senate.*

FERNANDO OLAVARRIA, *President of the Chamber of Representatives.*

JOZE A. FREIRE, *Secretary of the Senate.*

W. URRUTIA, *Acting Deputy-Secretary of the Chamber of Representatives.*

Caracas, April 28, 1848, 19th year of the Law and the 38th of Independence.

Let it be executed.

D. B. URBANEJA.

By order of his Excellency the Secretary of State for Home Affairs and Justice.

THOMAS JOZE SANAVRIA.

No. 295.—*Viscount Palmerston to Acting Consul-General Riddell.*

SIR,

Foreign Office, January 16, 1849.

I HAVE to refer you to Mr. Belford Wilson's despatch of the 16th of June, 1847, on the subject of a reward offered by Mr. McWhirter, a British subject residing in Venezuela, for the apprehension of 4 runaway labourers, said to have been of free condition, and to have been introduced by Mr. McWhirter, in the year 1846, from Curaçoa into Venezuela, to labour on his estate.

In that despatch, Mr. Belford Wilson called my attention to the

fact that British subjects are the owners or hirers of a large number of slaves in Venezuela, and likewise that British subjects have a direct or indirect interest as owners, joint owners, or mortgagees in several of the principal plantations in that country which are wholly or in part worked by slaves.

I referred that despatch and its inclosures to the proper Law Adviser of the Crown, for his opinion, whether Mr. McWhirter and those other British subjects alluded to by Mr. Wilson are or are not acting in conformity with British law; and in accordance with the opinion of Her Majesty's Advocate-General, in which opinion I entirely concur, I have to state to you, for your information, that assuming the statement of Mr. McWhirter to be correct, it does not appear that his conduct has been such as to render him liable to be prosecuted and convicted of a breach of British law.

With respect to the other British subjects alluded to by Mr. Wilson, I have to observe, that without more precise information it is not practicable to form an opinion on the subject.

The statute of the 5th Geo. IV, cap. 113, to amend and consolidate the laws relative to the Slave Trade, is, by the later Act 6 and 7 Vict., cap. 98, made applicable to all British subjects, wherever residing; *prima facie*, therefore, these British subjects, although resident in Venezuela, have been guilty of transgression of British law. It is, however, by the 6th section of the last-mentioned statute provided and enacted, "that nothing in the said Act contained shall be taken to subject to any forfeiture, punishment, or penalty, any person for transferring or receiving any share in any joint-stock company established before the passing of this Act, in respect of any slave or slaves in the possession of such company before such time, or for selling any slave or slaves which were lawfully in his possession at the time of the passing this Act, or which such person shall or may have become possessed of or entitled unto *bond fide* prior to such sale by inheritance, devise, bequest, marriage, or otherwise by operation of law."

Whether the British subjects in question can bring themselves within these exceptions, does not appear from the information with which I have been furnished by Mr. Belford Wilson on this subject; and I have to desire you to send me such information on these points as you may be able to procure.

I am, &c.

PALMERSTON.

J. Riddell, Esq.

*BRITISH NOTIFICATION of the Blockade of the Gallinas,
on the West Coast of Africa.—London, March 19, 1849.*

Foreign Office, March 19, 1849.

It is hereby notified, that Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from the Lords Commissioners of the Admiralty, the copy of a letter and its inclosures addressed to their Lordships by Commodore Sir Charles Hotham, K.C.B., Commander-in-chief of Her Majesty's naval forces on the west coast of Africa, announcing that war had, in the month of February last, been declared against the Chiefs of Gallinas; and that he, the said Commodore, had established an effective blockade of that coast between Solyman Point on the south and Cazee on the north.

*CONSTITUTION of the Empire of Austria.—Olmütz, March 4,
1849.**

(Translation.)

SECTION I.—*Of the Empire.*

ART. I. The Empire of Austria consists of the following Crown dominions:

The Archduchy of Austria above and below the Enns, the Duchy of Salzburg, the Duchy of Styria; the Kingdom of Illyria, consisting of the Duchy of Carinthia, the Duchy of Krain, the County Palatine of Gorizia and Gradiska, the Margravate of Istria, and the town of Trieste with its dependencies; the County Palatine of the Tyrol and Vorarlberg; the Kingdom of Bohemia; the Margravate of Moravia; the Duchy of Upper and Lower Silesia; the Kingdoms of Galicia and Lodomeria, with the Duchies of Auschwitz and Zator, and the Grand Duchy of Cracow; the Duchy of the Bukowina; the Kingdoms of Dalmatia, Croatia, and Slavonia, with the Croatian coast, the town of Fiume and its dependencies; the Kingdom of Hungary; the Principality of Transylvania, including the Saxon territory and the re-incorporated counties of Kraszna, Mittel Szolnok, and Zarand, the districts of Kovar and the town of Zilah; the Military Frontier districts, and the Lombardo-Venetian Kingdom.

II. These Crown dominions compose the free, independent, indivisible, and constitutional hereditary Empire of Austria.

III. Vienna is the capital of the empire and the seat of the Executive power.

IV. The independence of the respective Crown dominions will be

* Laid before Parliament in 1850.

assured to each of them within such limits as shall be laid down by this Constitution.

V. Equal justice will be given to all races, and each race has the inviolable right of preserving and maintaining its own nationality and language.

VI. The boundaries of the empire or of any one of the Crown dominions may only be changed by a law.

VII. The whole empire is placed on the same footing as regards duties and commerce. Interior duties cannot exist under any pretence, and where such duties at present exist between separate parts of the empire, they are to be done away with as soon as possible. The exclusion of any particular districts from the Austrian Zollverein, or the admission of foreign Powers into the same, is a matter for the consideration of the Executive.

VIII. The arms and colours of the empire and of the Crown dominions respectively remain as before.

SECTION II.—*Of the Emperor.*

IX. The Crown of the empire and of each separate Crown domain is hereditary in the House of Habsburg-Lorraine, according to the Pragmatic Sanction and the domestic laws of Austria.

X. The laws at present in existence regarding the age at which the heir to the Crown attains his majority, and the appointment of guardians or of a regency, remain in force.

XI. The Emperor, in addition to his present titles, takes also that of Grand Duke of Cracow and Duke of the Bukowina.

XII. The Emperor is crowned as Emperor of Austria. An express statute will fix the details.

XIII. At his coronation the Emperor swears to maintain the Constitution, which oath is also to be taken by his successors at their coronation, as well as by the Regent when accepting the Regency.

XIV. The person of the Emperor is sacred, inviolable, and irresponsible.

XV. The Emperor has the command over the whole armed force, either in person or through his generals.

XVI. The Emperor makes war or peace.

XVII. The Emperor receives and sends Ambassadors, and concludes Treaties with foreign Powers.

Clauses in any such Treaties which impose new burdens on the empire require the sanction of Parliament.

XVIII. The Emperor proclaims the laws and issues the necessary regulations. Every such proclamation must be countersigned by a responsible Minister.

XIX. The Emperor names and dismisses the Ministers, disposes

of all official appointments in the State, and confers nobility, orders, and marks of distinction.

XX. Throughout the empire justice is administered in the name of the Emperor.

XXI. The Emperor has the right of granting full pardon, of mitigating punishment, and of giving amnesties, with the exception of the particular regulations which refer to the Ministers.

XXII. The right of coining is carried into execution in the name of the Emperor.

SECTION III.—*Of Municipal Rights.*

XXIII. For all nations of the empire the right of Austrian citizenship is one and the same. An Act of Parliament will determine under what conditions this right is earned, how carried into effect, or how it may be lost.

XXIV. There can be no difference made between the dependents of one province and those of another, as regards their municipal rights or their penal liabilities, in judicial proceedings or in the imposition of burdens.

The judicial sentences of the courts throughout the Austrian Crown domains are there at once valid and to be put into execution.

XXV. Within the boundaries of the empire no restraint may be laid upon the freedom of the person. Right to emigrate is restricted by the State only as far as regards the duty of bearing arms.

XXVI. Every species of serfage, every kind of feudal subjection is now and for ever abolished.

On touching the Austrian soil, or the deck of an Austrian ship, every slave becomes free.

XXVII. All Austrian citizens are equal in the eye of the law, and are liable to the same legal treatment.

XXVIII. The public offices and employments in the service of the State are open to all who are capable of filling them.

XXIX. Property is under the protection of the empire: it cannot be curtailed or limited except for the sake of the public welfare, and for a compensation determined by law.

XXX. Every Austrian citizen has the right of settling in any part of the empire, and of exercising his trade.

XXXI. No limitation is placed upon the right of freely transferring property from one part of the empire to another. No deductions will be made upon property drawn from Austria into a foreign country, unless it is in the way of reprisal.

XXXII. Every obligation or service arising out of feudal liabilities or out of the title of a divided property, which still encumbers an estate, may be redeemed, and in future no estate may be burdened with an unredeemable feudal service.

SECTION IV.—*Of the Commune.*

XXXIII. The following are granted as fundamental rights to the communes :

- a. The election of their Representatives ;
- b. The reception of new members into the commune ;
- c. The independent administration of their affairs ;
- d. The right to publish the state of their circumstances ; and
- e. (Generally speaking) the debates of their Representatives.

The details of these fundamental rights of the communes, and particularly conditions for admission into a commune, are contained in the Communal Laws.

XXXIV. A particular law for the purpose will determine the formation of districts for the administration of their domestic affairs in common.

SECTION V.—*Of the Affairs of the Provinces.*

XXXV. Under this head come

- 1. All regulations respecting
 - i. Agriculture ;
 - ii. Public buildings from the public funds ;
 - iii. Charitable institutions in the country ;
 - iv. The estimation and valuation of the land ;
- a. Both as regards the revenues arising from the administration of the land, taxation for public purposes, the application of the credit of the country ;
- b. And as regards the ordinary and extraordinary disbursements :
- 2. The more particular regulations within the jurisdiction of the laws of the empire, respecting
 - i. The affairs of the communes ;
 - ii. The affairs of the church and of education ;
 - iii. The obligation to furnish horses (for the army) and to receive and quarter the army :
- And, finally,
- 3. Regulations upon all those subjects which by the laws of the empire are referred to the office of the country authorities.

SECTION VI.—*Of the Affairs of the Empire.*

XXXVI. Under this head come

- a. All affairs concerning the reigning Imperial House and the rights of the Crown.
- b. The representation of the empire according to the laws of nations, in all its interests, particularly the conclusion of Treaties with foreign Powers.
- c. The relations of the State to the Church.
- d. The higher branches of education.

e. The whole army and navy.

f. The Imperial revenue, including the estates of the Crown and the domains of the empire, in which the following are included, *i.e.*, state, cameral, and fiscal property. The Imperial mine works, the Imperial monopolies, the Imperial credit, and all taxes and duties for the purposes of the empire.

g. All affairs of trade and commerce, including navigation, custom-houses, banks, the mints and the mines, and the regulation of weights and measures.

h. All communications by water or by roads, railroads, post, and telegraphs; generally speaking, all Imperial buildings.

i. All ordinances and measures for the preservation of the internal security of the empire. Finally,

k. All affairs which are not declared by the constitution or the law to be affairs of the provinces (XXXV).

SECTION VII.—*Of the Legislative Power.*

XXXVII. The Legislative Power is exercised, with reference to the affairs of the State, by the Emperor in conjunction with the Parliament; with reference to the affairs of the provinces (XXXV), by the Emperor in conjunction with the Provincial Diets.

SECTION VIII.—*Of the Parliament.*

XXXVIII. The United Parliament of Austria is to consist of 2 houses, an Upper and a Lower House, and will be summoned to meet by the Emperor in the spring of every year.

XXXIX. The Parliament assembles at Vienna, but may be summoned by the Emperor to meet at any other place.

XL. The Upper House is composed of Members who are chosen from the Provincial Diets of the respective Crown domains.

XLI. The number of Deputies for the Upper House is to consist of half that which the Constitution shall allot to the Lower House. The distribution of this number will be regulated so that each Crown domain shall send 2 Members of its Diet as Members of Parliament, and that the surplus shall be distributed proportionally among all the Crown domains.

XLII. The 2 Members of the Provincial Diets sent to Parliament must be in full enjoyment of their municipal and political rights, Austrian citizens of more than 5 years' standing, and 40 years old at least.

The other Members of the Upper House are to be elected by the Provincial Diets, but only from amongst those citizens of the State who possess the above-mentioned qualifications, and pay at least 500 florins in direct taxes within the empire.

In the Crown domains, where the number of such citizens who

pay 500 florins direct taxes does not reach the proportion of 1 in 6000, it will be filled up from the class which next follows in the taxation.

XLIII. The Lower House will be formed by the direct popular choice.

Every Austrian citizen is a voter, who is of age, in the full enjoyment of his municipal and political rights, and who either pays the yearly contribution in direct taxes which is fixed by the Electoral Law, or who, without the payment of such taxes, possesses by his position in a commune of the Austrian dominions the right of voting.

XLIV. The elections for the Lower House take place in districts and towns, to be determined on by the Electoral Law.

This law will also fix the numbers of the members according to population.

This number will be so regulated that for every 100,000 inhabitants there shall be at least 1 Deputy. The yearly contribution mentioned in the preceding section will be fixed by the Electoral Law in each of the Crown domains, with a due consideration of peculiar circumstances, and on the following principle, viz., that for the country and for towns whose population does not exceed 10,000 persons, this contribution be not less than 10 florins c. m.; and for towns whose population exceeds 10,000, not less than 5 florins c.m.; but in no case may the sum be fixed at a higher rate than 20 florins c. m.

XLV. Every Austrian citizen, in order to be eligible to the Lower House must be 30 years old, and have been acknowledged to have been in the full enjoyment of his municipal and political rights for at least 5 years.

XLVI. All votes at the elections for the Upper and Lower Houses must be oral and public.

XLVII. Members who occupy a public office cannot be refused leave of absence.

XLVIII. If any Member of Parliament accepts a paid appointment of the State, a new election must take place.

XLIX. The Members of the Upper House are elected for a period of 10, and the Members of the Lower House for a period of 5 successive years. At the expiration of their writs they are re-eligible.

L. The Members of the Upper House receive no remuneration; those of the Lower House will receive for each session a certain stipend.

LI. No one can be at the same time a Member of the Upper and Lower House.

LII. Each Member on taking his seat must take the oath to the Emperor and to the Constitution.

LIII. The Members are not to receive instructions, and can only exercise their personal right of voting.

LIV. Each House of Parliament has the right to examine and decide on the legality of the election of its Members.

LV. Each House has the right of electing its President and Vice-Presidents for the duration of the session.

LVI. Neither House can come to any resolution unless the number of Members required by the Constitution be present.

LVII. Secret voting, except in the case where elections are to be made, cannot take place in either House.

LVIII. A resolution can only be passed by an absolute majority ; where there is an equal number of votes the motion is lost.

LIX. The sittings of the Parliament are public ; but each House has the right, on the motion of the President or of at least 10 of its Members, to hold secret sittings.

LX. Only Members of Parliament can present petitions in the Houses to which they belong.

LXI. Deputations to the Parliament are not to be admitted into the House.

LXII. No Member of Parliament may be either held to account or be judicially prosecuted out of the House, for any expressions used during the sittings.

LXIII. No Member of Parliament, so long as it is assembled, can, unless taken in the act, be either arrested or prosecuted without the consent of the House to which he belongs.

LXIV. Each House must regulate the order of its business on the principles laid down in its constitution. The relations in matters of business between the Upper and Lower Houses are to be regulated by themselves.

LXV. The right to propose laws belongs to the Emperor, as well as to each House.

LXVI. The unanimity of the Emperor and of both Houses of Parliament is necessary for every law. Motions about laws which have been rejected by the Emperor or either of the Houses cannot be brought on again during the same session.

LXVII. The Parliament has a right to take part in the making of laws on those affairs which in the Constitution of the empire are described as affairs of the empire.

LXVIII. The Deputies from all the Crown dominions take a part in legislative measures respecting the affairs of the empire. This common participation also takes place when measures are passed respecting municipal rights, penal rights, the constitution of tribunals, and judicial proceedings.

But in Hungary, Transylvania, Croatia, and Slavonia, as well as the Croatian coast and Fiume, so far as peculiar laws and ordinances differing from those of the rest of the Crown dominions, may exist

with regard to this branch of the legislature, the Provincial Diets maintain their competence.

It will nevertheless be the task of the Provincial Diets in these Crown dominions to submit to a revision of the Legislature in these branches, in order as soon as possible to arrive at a desirable similarity of legislation in all parts of the empire. Until this is accomplished the Deputies from those Crown dominions in which a different system of legislation in the above branches exists, are to abstain from participation in the Parliamentary proceedings respecting the same.

LXIX. The Emperor prorogues and closes the Parliament, and can at any period order the dissolution of the whole Parliament or of either House.

Should the Parliament be prorogued, or but 1 of the Houses dissolved, the sittings in both are immediately suspended.

The calling together of the Parliament must in the event of its having been dissolved take place within 3 months from the time of its dissolution.

SECTION IX.—*Of the Provincial Constitution and of the Provincial Diets.*

LXX. The Crown dominions mentioned in § I are to be represented by Provincial Diets for the administration of those affairs which the Constitution or laws of the empire declare to be provincial affairs (XXXV).

LXXI. The Constitution of the Kingdom of Hungary is to a great extent maintained, but those regulations which are not in harmony with this Constitution are done away with, and equal justice will be done to all nationalities as regards their native languages and all the relations of public and domestic life. For this purpose institutions will be formed, and a special statute will regulate these relations.

LXXII. The Palatinate of Servia is guaranteed such arrangements as will tend to the maintenance of the freedom of their church and of their nationality. These arrangements will be founded upon ancient charters and Imperial manifestos of the present day.

The union of the Palatinate with another of the Crown dominions will, after that the Deputies from thence have been consulted, be determined by an express ordinance.

LXXIII. In the Kingdoms of Croatia and Slavonia, including the coast, the town of Fiume and its dependencies, their own peculiar institutions, as far as is consistent with the union of these countries by this Constitution with the whole empire are maintained, and their full independence of the Kingdom of Hungary assured.

Deputies from Dalmatia and the National Assembly of these kingdoms will discuss the plan and conditions for their union, and submit the result of their deliberations to the Emperor for his sanction.

LXXIV. The internal administration and constitution of the Principality of Transylvania will be fixed by a special statute; on the principle, however, of its entire independence of Hungary, and of equal justice being done to all races inhabiting the country and in harmony with this Constitution.

The privileges of the Saxon nation are assured to them and maintained by this Constitution.

LXXV. The Military Frontier establishment which exists for the preservation of the integrity of the empire, maintained as it is in its military organisation, and continue to form an integral part of the standing army under the orders of the Executive. A special statute will confer upon the inhabitants of the Military Frontier the same advantages with respect to their property as are bestowed upon the inhabitants of the other Crown dominions.

LXXVI. A special statute will determine the Constitution of the Lombardo-Venetian Kingdom and the relations of this Crown dominion to the rest of the empire.

LXXVII. All the rest of the Crown dominions will receive their own peculiar Constitutions.

The former establishment of the "States" is no longer in operation.

LXXVIII. The composition of the Provincial Diets is to be made with due consideration for all the interests of the province. The Members of these Diets are to be chosen by a direct election.

LXXIX. The authority necessary for the jurisdiction of the provincial electoral district will be exercised either by the Provincial Diet itself, or by a Provincial Committee chosen by the Diet.

LXXX. Every Provincial Diet has a right to take a part in the legislation for provincial affairs and in proposing laws, as well as to watch over the carrying out of the laws.

The unanimity of the Emperor and of the Provincial Diet is necessary for every provincial law.

LXXXI. Alterations in the Provincial Constitutions may be moved in the Provincial Diets (in the first that are summoned together) in the ordinary course of legislation. In the succeeding Diets, in order to pass any such alteration, at least three-fourths of all the Members must be present, and at least two-thirds of the Members present must vote for it.

LXXXII. The more particular details respecting the formation and the jurisdiction of the Provincial Diets and of the Provincial Committees may be laid down by the Provincial Constitutions and electoral laws of the several Crown dominions.

LXXXIII. All the Constitutions of the several Crown dominions which compose the empire, are to come into operation in the course of the year 1849, and must be laid before the first General Austrian

Parliament which shall be called together after they have come into operation.

SECTION X.—*Of the Executive Power.*

LXXXIV. The Executive Power throughout the empire and in all the Crown dominions is one and indivisible. It is exclusively in the hands of the Emperor, who carries it into execution through his responsible Ministers and their subordinates.

LXXXV. If any part of the Executive Power is placed in the hands of any body or individual, this can only be done provisionally; and the Crown has always the right of making other arrangements for the exercise of the said part of the Executive Power.

LXXXVI. The Executive Power must see that the laws are carried into execution and upheld, and also that the ordinances of the Provincial Diets and Committees be carried out within their several jurisdictions.

LXXXVII. When the Parliament or the Provincial Diet is not sitting, and it may be necessary to take urgent measures, which have not been provided for by the laws, and which it might be a source of danger to the empire or the province to delay, then the Emperor has the right to take the necessary steps on the responsibility of the Ministers and with Provisional Legislative Power; but at the same time he is bound to lay before the Parliament or Provincial Diet respectively the grounds for his conduct and the result.

LXXXVIII. The Ministers have to conduct the administration of the empire and the several Crown dominions, to issue the necessary ordinances, and to see to the maintenance of the laws of the empire and the provinces.

LXXXIX. The Ministers have the power on their own responsibility, of suspending or prohibiting the execution of measures which would be injurious to the laws and the public welfare in those affairs, which have been left to the independent management of the Communes or of the Provincial Diets.

XC. The Ministers have the right to appear in Parliament and at all times to address the House. They may also for particular discussions send Deputies in their stead. They can only vote in Parliament when they are Members.

XCI. With respect to the responsibility of Ministers to judicial proceedings against them, and their punishment in case of condemnation, a special statute will be passed.

XCII. For the several Crown dominions the Emperor appoints Viceroys, who are appointed and in duty bound as the organs of the Executive Power, to see to the maintenance of the laws of the empire and of the province, and to administer the internal affairs of the country within their jurisdiction.

XCIII. The Viceroys have the right either to appear either in person or by proxy in the Provincial Diets, and at all times to address the Assembly. They can only vote in the Diets when they are Members.

XCIV. The Viceroys are in their administration responsible for the due observation and maintenance of the law of the empire and of the province concerned.

XCV. The Executive Power can charge the Viceroys or the authorities of the several Crown dominions with the care of affairs of the empire also, or may have these (affairs of the empire) administered by other agents in any part of the empire.

SECTION XI.—*Of the Privy Council.*

XCVI. By the side of the Crown and of the Executive Power a Privy Council is placed, whose office will be to give advice upon all affairs upon which it shall be consulted by the Executive.

XCVII. The Members of the Privy Council are appointed by the Emperor; in appointing them, the interests of the different parts of the empire must as far as possible be consulted.

XCVIII. A special statute will regulate the formation and jurisdiction of the Privy Council.

SECTION XII.—*Of the Judicial Power.*

XCIX. The judicial power is exercised independently by the tribunals.

C. All judicial authority emanates from the empire. There are to be no hereditary tribunals for the future.

CI. No judge appointed by the State may, after his definitive appointment, be either temporarily removed or dismissed from his post, unless it is by judicial sentence, nor is he to be transferred against his will to another post, or placed on the retired list.

This last regulation, however, is not applicable to cases in which persons are placed on the retired list according to law, on account of incapability of performing their duty, nor to cases where changes in the authorities composing the tribunal become necessary from alterations being made in the constitution of that tribunal.

CII. The judicial and administrative power are to be separated, and made independent of one another. In cases of disputes as to competency between the administrative and judicial authorities, the law will appoint persons with power to decide the question.

CIII. Judicial proceedings are to be, generally speaking, oral and public. The exceptions as regards publicity will be fixed by law, in the interest of order and morality.

In criminal cases the system of public prosecution is to be adopted. In all cases of serious crime, which the law shall specify, as well as in political offences and offences of the press, sworn juries are to give the verdict.

CIV. The carrying out of the aforesaid general principles, according to which all judicial proceedings will be henceforth conducted, their introduction into the various provinces, with a due regard to circumstances, is reserved and will be determined by special imperial and provincial laws. (LXVIII.)

CV. All laws referring to the position of Members of the Imperial House in the eye of the law remain in force.

SECTION XIII.—*Of the Imperial Tribunal.*

CVI. A superior Imperial Court is to be established, whose office it will be to intervene in the following cases :

1. As a Court of Arbitration, in cases of dispute between the empire and the several provinces of the Crown, or in disputes between the several provinces among themselves, whenever the case does not come within the jurisdiction of the ordinary judicial authorities.

2. As the last Court of Appeal, in cases of violation of political rights.

3. As the chief Court of Inquiry.

a. In cases where Ministers or Viceroy's are accused ;

b. In conspiracies or attempts against the Monarch or the Regent, and in cases of high treason.

CVII. The seat of the Imperial Tribunal is Vienna ; and a special statute will determine in what manner the judges shall be chosen (keeping in view the interests of the provinces of the Crown,) of what number they shall consist, and what the proceedings of the court shall be.

SECTION XIV.—*Of the Revenue.*

CVIII. All taxes and imposts for Imperial or Provincial objects will be determined by laws.

CIX. All the receipts and expenditure of the empire must be yearly made public in an estimate. Should this estimate be exceeded, it must be submitted to a subsequent investigation before the Parliament.

CX. The State Debt is guaranteed by the empire.

CXI. The General Account of the Revenue of the Empire every year, together with a general statement of the State Debt, is to be laid before the Parliament every year by the Finance Department.

CXII. The regulations of the Finance Department will be fixed by law.

SECTION XV.—*Of the Armed Force.*

CXIII. The object of the armed force is to defend the empire against external enemies, to maintain order, and to ensure the execution of the laws.

CXIV. In the interior of the empire the armed force can only interfere upon the demand of the civil authorities, and in those cases only which are defined by law.

CXV. The armed force is in its nature subordinate. No part of it can deliberate.

CXVI. The extent and nature of the duties of an Austrian subject to bear arms, whether by land or by sea, will be determined by a law.

CXVII. The army is under military jurisdiction and military laws.

The regulations for the discipline of the army and navy continue in full force.

CXVIII. The oath of the army to the Constitution will be included in the oath of fidelity to the colours.

CXIX. The establishment of an armed force consisting of citizens will be regulated by law.

SECTION XVI.—*General Regulations.*

CXX. Until the necessary Organic Laws shall be passed by the Imperial Legislature in conformity with the Constitution, the requisite arrangements for carrying them into effect by means of ordinances will be made.

CXXI. Existing laws remain in force until new ones are passed.

CXXII. The authorities remain in the exercise of their present functions until the new Organic Laws relating to them are made.

CXXIII. Alterations in this Imperial Constitution may be proposed in the ordinary manner in the first session of the Legislative bodies. In subsequent sessions to effect such changes it is requisite that at least three-fourths of the Members of each House should be present, and that at least two-thirds of those present should agree to the alteration.

Given this 4th day of March, 1849, at our Imperial residence of Olmütz.

SCHWARZENBERG.

(L.S.) FRANCIS JOSEPH.

STADION.

KRAUSS.

BACH.

CORDON.

BRUCK.

THINNFELD.

KULMER.

*CORRESPONDENCE between Great Britain and The United States, respecting the American Blockade of the West Coast of Mexico.—December, 1846.**

Mr. Buchanan to Mr. Pakenham.

SIR, *Department of State, Washington, December 29, 1846.*

THE most satisfactory answer which I can give to your note of the 14th instant, communicating to me a copy of a despatch from Lord Palmerston to yourself in relation to Commodore Stockton's notification of blockade, is to furnish you a copy of an order issued by the Navy Department on the 24th instant, to the commanding officer of The United States' naval forces in the Pacific Ocean.

Whilst the general language employed by Commodore Stockton may be liable to misconstruction, it is as yet sufficiently apparent from the whole proclamation that he did not intend to establish a paper blockade. This would have been equally unwarranted by his instructions and by the principles which The United States have maintained in regard to blockades ever since we became an independent nation.

Whilst I transmit you a copy of the whole order from the Navy Department, for the satisfaction of Lord Palmerston, I desire that no part of it may be made public, except that which specifies what this Government recognizes, and will enforce, as a lawful blockade under the law of nations.

I avail, &c.

R. Pakenham.

JAMES BUCHANAN.

(Inclosure.)—Mr. Mason to the Commanding Officers of The United States' Navy in the Pacific Ocean.

SIR, *Navy Department, December 24, 1846.*

WITH his letter to the Department of the 28th August last, Commodore Stockton transmitted a copy of a paper which he had made public, giving notice of his intention to subject to a vigorous blockade, "all the forts, harbours, bays, outlets, and inlets on the west coast of Mexico, south of San Diego," to be absolute, except against armed vessels of neutrals. In giving "to all neutral merchant vessels found in any of the bays and harbours on said coast, on the arrival of the blockading force, 20 days to leave," it is very obvious that Commodore Stockton did not regard the extensive coast embraced within the limits specified as placed under blockade by the published notice, or that any particular port would be in a state of blockade, until a sufficient blockading force was actually present to enforce it.

* Laid before Parliament, 1861.

In authorizing conquest or blockade on the west coast, the President has desired to subject neutral commerce to the least possible inconvenience or obstruction compatible with the exercise of the belligerent rights necessary to the success of our military operations.

The generality of the language employed by Commodore Stockton, in his notice of intended blockade, it seems, has excited alarm with neutrals in regard to shipments to Mexican ports, and may have prevented their being made ; and as it is desirable to avoid any such interference with their commercial adventures in articles not contraband, I invite your attention to the subject, and desire you to take the necessary measures to correct any erroneous impressions which may have been produced.

You will employ the forces under your command in the active prosecution of the war, and establish and maintain the blockade of such of the enemy's ports as you may deem proper in the execution of your orders, giving to neutral vessels in such ports 20 days to leave. But a lawful maritime blockade requires the actual presence of a sufficient force stationed at the entrance of the ports, sufficiently near to prevent communication. The only exception to this rule, which requires the actual presence of an adequate force to constitute a lawful blockade, arises out of the circumstance of the occasional temporary absence of the blockading squadron, produced by accident, as in the case of a storm, which does not suspend the legal operation of a blockade. The law considers an attempt to take advantage of such an accidental removal a fraudulent attempt to break the blockade.

The United States have at all times maintained these principles on the subject of blockade ; and you will take care not to attempt the application of penalties for a breach of blockade, except in cases where your right is justified by these rules. You should give public notice, that under Commodore Stockton's general notification no port on the west coast of Mexico is regarded as blockaded unless there is a sufficient American force to maintain it, actually present, or temporarily driven from such actual presence by stress of weather, intending to return.

I am, &c.

The Commanding Officers of 'The United States'
Navy in the Pacific Ocean.

T. Y. MASON.

*TREATY of Peace, Friendship, Limits, and Settlement, between
The United States and Mexico. — Signed at Guadalupe
Hidalgo, February 2, 1848.**

[Ratifications exchanged at Queretaro, May 30, 1848.]

By the President of the United States of America.

A PROCLAMATION.

WHEREAS a Treaty of Peace, Friendship, Limits, and Settlement, between the United States of America and the Mexican Republic, was concluded and signed at the city of Guadalupe Hidalgo on the 2nd day of February, 1848, which Treaty, as amended by the Senate of The United States, and being in the English and Spanish languages, is word for word as follows :

In the name of Almighty God :

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the 2 Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the 2 people should live, as good neighbours, have for that purpose appointed their respective Plenipotentiaries—that is to say, the President of The United States has appointed Nicholas P. Trist, a citizen of The United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said republic, who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

*Treaty of Peace, Friendship, Limits, and Settlement, between the
United States of America and the Mexican Republic.*

ART. I. There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

II. Immediately upon the signature of this Treaty, a Convention shall be entered into between a commissioner or commissioners appointed by the General-in-chief of the forces of The United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and

* Signed in the English and Spanish languages.

that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

III. Immediately upon the ratification of the present Treaty by the Government of The United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this Treaty shall then have been ratified by the Government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of The United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding 30 leagues; and such evacuation of the interior of the republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be dispatched to the persons in charge of the Custom Houses at all ports occupied by the forces of The United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such Custom-Houses, or elsewhere in Mexico, by authority of The United States, from and after the day of the ratification of this Treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within 3 months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of The United States, in virtue of the above stipulation, shall be completed in 1 month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

IV. Immediately after the exchange of ratifications of the present Treaty all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of The United States during the present war, within the limits of the Mexican Republic, as about to be established by the following Article, shall be definitively restored to the said Republic, together with all the artillery,

arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this Treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this Treaty, orders shall be dispatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican Republic, by the forces of The United States, shall be completed in 3 months from the said exchange of ratifications, or sooner if possible: the Mexican Government hereby engaging, as in the foregoing Article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this Treaty by both parties should not take place in time to allow the embarkation of the troops of The United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding 30 leagues shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the 1st day of May to the 1st day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this Treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of The United States, as about to be established by the following Article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

V. The boundary line between the 2 Republics shall commence in the Gulf of Mexico, 3 leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New

Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this Article, are those laid down in the map entitled "Map of the United Mexican States, as organized and defined by various Acts of the Congress of said Republic, and constructed according to the best Authorities. Revised edition. Published at New York, in 1847, by J. Disturnell." Of which map a copy is added to this Treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant 1 marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present Article, the 2 Governments shall each appoint a commissioner and a surveyor, who, before the expiration of 1 year from the date of the exchange of ratifications of this Treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this Treaty, and shall have the same force as if it were inserted therein. The 2 Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this Article shall be religiously respected by each of the 2 Republics, and no change shall ever be made therein, except by the express and free consent of both nations,

lawfully given by the general Government of each, in conformity with its own constitution.

VI. The vessels and citizens of The United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the River Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding Article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the River Gila, or upon its right or its left bank, within the space of 1 marine league from either margin of the river, the Governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

VII. The River Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being agreeably to the Vth Article, divided in the middle between the 2 Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favouring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present Article shall not impair the territorial rights of either Republic within its established limits.

VIII. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of The United States, as defined by the present Treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of The United States. But they shall be under the obligation

to make their election within 1 year from the date of the exchange of ratifications of this Treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of The United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guarantees equally ample as if the same belonged to citizens of The United States.

IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding Article, shall be incorporated into the union of The United States and be admitted at the proper time (to be judged of by the Congress of The United States) to the enjoyment of all the rights of citizens of The United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

X. [Stricken out.]

XI. Considering that a great part of the territories which, by the present Treaty, are to be comprehended for the future within the limits of The United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of The United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of The United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of The United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the 2 Republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of The United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives

being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of The United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of The United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of The United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said Government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of The United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which The United States have solemnly obliged themselves to restrain.

XII. In consideration of the extension acquired by the boundaries of The United States, as defined in the Vth Article of the present Treaty, the Government of The United States engages to pay to that of the Mexican Republic the sum of 15,000,000 of dollars.

Immediately after this Treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of 3,000,000 of dollars shall be paid to the said Government by that of The United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining 12,000,000 of dollars shall be paid at the same place, and in the same coin, in annual instalments of 3,000,000 of dollars each, together with interest on the same at the rate of 6 per centum per annum. This interest shall begin to run upon the whole sum of 12,000,000 from the day of the ratification of the present Treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of 1 year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

XIII. The United States engage, moreover, to assume and pay to the claimants all the amounts now due to them, and those

hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the Conventions between the 2 Republics, severally concluded on the 11th day of April, 1839, and on the 30th day of January, 1843: so that the Mexican Republic shall be absolutely exempt for the future from all expense whatever on account of the said claims.

XIV. The United States do furthermore discharge the Mexican Republic from all claims of citizens of The United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this Treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the Board of Commissioners provided for in the following Article, and whatever shall be the total amount of those allowed.

XV. The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding Article, and considering them entirely and for ever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of The United States, whose awards shall be final and conclusive; provided, that in deciding upon the validity of each claim, the Board shall be guided and governed by the principles and rules of decision prescribed by the 1st and Vth Articles of the unratified Convention, concluded at the city of Mexico on the 20th day of November, 1843;* and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

If, in the opinion of the said Board of Commissioners, or of the claimants, any books, records, or documents in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of The United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said Board of Commissioners: provided, that no such application shall be made by, or at the instance of, any claimant, until the facts

* See page 580.

which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

XVI. Each of the Contracting Parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

XVII. The Treaty of Amity, Commerce, and Navigation, concluded at the city of Mexico on the 5th day of April, A.D. 1831,* between the United States of America and the United Mexican States, except the Additional Article, and except so far as the stipulations of the said Treaty may be incompatible with any stipulations contained in the present Treaty, is hereby revived for the period of 8 years from the day of the exchange of ratifications of this Treaty, with the same force and virtue as if incorporated therein; it being understood that each of the Contracting Parties reserves to itself the right at any time after the said period of 8 years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

XVIII. All supplies whatever for troops of The United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of The United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of The United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of The United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

XIX. With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of The United States, whether by citizens of either Republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the Custom Houses to the Mexican authorities, as stipulated for in the Article III of this Treaty, shall

* Vol. XIX. Page 238.

be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the Custom Houses, and previously to the 60 days fixed in the following Article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following Article.

3. All merchandise, effects, and property described in the 2 rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property described in the 1st and 2nd Rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of The United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the 1st and 2nd Rules, shall be removed to any place not occupied at the time by the forces of The United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime Custom Houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the 1st and 2nd Rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the Custom House at such port, no person shall be required by the Mexican authorities, whether general or State, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

XX. Through consideration for the interests of commerce generally, it is agreed, that if less than 60 days should elapse between the date of the signature of this Treaty and the restoration of the Custom Houses, conformably with the stipulation in the 3rd Article, in such case all merchandise, effects, and property whatsoever, arriving at the

Mexican ports after the restoration of the said Custom Houses, and previously to the expiration of 60 days after the day of the signature of this Treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such Custom Houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

XXI. If unhappily any disagreement should hereafter arise between the Governments of the 2 Republics, whether with respect to the interpretation of any stipulation in this Treaty, or with respect to any other particular concerning the political or commercial relations of the 2 nations, the said Governments, in the name of those nations, do promise to each other that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the 2 countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

XXII. If (which is not to be expected, and which God forbid!) war should unhappily break out between the 2 Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits; and as closely as possible in all cases where such absolute observance shall be impossible.

1. The merchants of either Republic then residing in the other shall be allowed to remain 12 months (for those dwelling in the interior), and 6 months (for those dwelling at the seaports), to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance: conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation

into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments, for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this Article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in his own service: the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause what-

ever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all Treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this Article. On the contrary, the state of war is precisely that for which it is provided; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

XXIII. This Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its General Congress: and the ratifications shall be exchanged in the city of Washington, or at the seat of Government of Mexico, in 4 months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty of Peace, Friendship, Limits, and Settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the 2nd day of February, in the year of our Lord 1848.

(L.S.) N. P. TRIST.

(L.S.) LUIS G. CUEVAS.

(L.S.) BERNARDO COUTO.

(L.S.) MIGL. ATRISTAIN.

And whereas the said Treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Querétaro on the 30th day of May last, by Ambrose H. Sevier and Nathan Clifford, Commissioners on the part of the Government of The United States, and by Señor Don Louis de la Rosa, Minister of Relations of the Mexican Republic, on the part of that Government:

Now, therefore, be it known, that I, James K. Polk, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every clause and article thereof, may be observed and fulfilled with good faith by The United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of The United States to be affixed.

Done at the City of Washington, this 4th day of July, 1848, and of the Independence of The United States the 73rd.

By the President:
JAMES BUCHANAN.

JAMES K. POLK.

ARTICLES referred to in Article XV of the preceding Treaty.

1st and Vth Articles of the unratified Convention between The United States and the Mexican Republic of November 20, 1843.

ART. I. All claims of citizens of the Mexican Republic against the Government of The United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of The United States against the Government of the Mexican Republic, which for whatever cause were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the Convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to 4 Commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: 2 Commissioners shall be appointed by the President of the Mexican Republic, and the other 2 by the President of The United States, with the approbation and consent of the Senate. The said Commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the Treaties between the 2 Republics.

ART. V. All claims of citizens of The United States against the Government of the Mexican Republic, which were considered by the Commissioners, and referred to the umpire appointed under the Convention of the 11th April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this Convention, on the points submitted to the umpire under the late Convention, and his decision shall be final and conclusive. It is also agreed, that, if the respective Commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

DECREE of the President of Mexico, promulgating the Treaty of Peace, Friendship, Limits, and Settlement, with The United States, of February 2, 1848.—Santiago, May 30, 1848.

(Translation.)

MANUEL DE LA PENA Y PENA, President, *ad interim*, of the Mexican United-States.

Be it known to all, to whom these presents come :

That in the City of Guadalupe Hidalgo there was concluded and signed, on the 2nd day of February of the present year, a Treaty of Peace, Friendship, Limits, and definitive Settlement, between the Mexican Republic and the United States of America, by means of Plenipotentiaries of both Governments duly and respectively empowered for that purpose ; which Treaty, together with its Additional Article, is, in form and tenour as follows :

[Here follows the Treaty, see page 567.]

Having seen and examined the said Treaty, and the modifications made by the Senate of the United States of America, and given an account thereof to the General Congress, conformably to what is provided in the XIVth paragraph of Article CX of the Federal Constitution of these United States, I have thought fit to approve, in all its parts, the said Treaty, and the modifications ; and, in consequence, exercising the powers entrusted to me by the Constitution, I accept, ratify, and confirm the said Treaty, with its modifications, and I promise, in the name of the Mexican Republic, to fulfil and observe it, and cause it to be fulfilled and observed.

Given in the Federal Palace of the City of Santiago de Querétaro, signed by my hand, authorized with the great national seal, and countersigned by the Secretary of State for Home and Foreign Affairs, on the 30th day of May, in the year of the Lord, 1848, and the 28th of the Independence of the Republic.

(L.S.) MANUEL DE LA PENA Y PENA.

LUIS DE LA POESA, *Secretary of State*
for Home and Foreign Affairs.

Therefore, the aforesaid Treaty, together with the modifications thereof, having been equally approved, confirmed, and ratified by his Excellency the President of the United States of America, the previous consent and approbation of the Senate of that Republic having been given in the city of Washington, on the 16th day of March of the present year, 1848, I order that the same be printed, published, and circulated, and duly fulfilled.

Given in the national Palace of Santiago de Querétaro, May 30, 1848.

LUIS DE LA POESA.

MANUEL DE LA PENA Y PENA.

And I forward it to you for your information and the required objects.

God and liberty.—Querétaro, May 30, 1848.

ROSA.

*DISCOURS du Roi des Belges, à l'Ouverture des 2 Chambres.—
Bruxelles, le 26 Juin, 1848.*

MESSIEURS,

Je suis heureux de me retrouver au milieu des Représentants de la Nation. En présence des agitations qui remuent si profondément l'Europe, la Belgique est demeurée calme, confiante et forte. Il me tardait d'exprimer publiquement ce que mon cœur en a ressenti de gratitude et de juste fierté ! Les changements survenus dans l'Etat politique de divers pays n'ont aucunement altéré nos bonnes relations internationales. Nos rapports officiels avec la République Française se trouvent établis dans les termes d'une bienveillance mutuelle. De toutes parts, nous avons reçu des témoignages de sympathie et d'estime.

Des lois importantes ont marqué la dernière session. Le cercle des droits politiques a été considérablement élargi, et la première application de la réforme électorale a prouvé que nous n'avions pas trop présumé de la sagesse de la nation.

L'organisation de la garde civique se poursuit avec activité ; l'excellent esprit des populations en facilite et en assure le succès.

Les circonstances ont imposé au pays des charges extraordinaires. Il en a compris la nécessité et les a courageusement supportées. Au moyen des mesures financières votées dans la dernière session, notre patriotique armée a été maintenue sur un pied défensif respectable ; nous avons alimenté le travail ; le trésor public a pu remplir fidèlement toutes ses obligations ; le fardeau de la dette flottante a cessé de peser sur le crédit. L'avenir récompensera les sacrifices du passé.

Les subsides destinés aux besoins extraordinaires n'ont été votés que jusqu'au 1^{er} Septembre. Mais, grâce à la sage réserve que nous nous sommes imposée dans les dépenses, la création de nouvelles charges ne sera pas nécessaire ; et si des complications imprévues n'y viennent faire obstacle, les crédits votés suffiront pour atteindre la fin de l'année.

Tous nos efforts, Messieurs, doivent tendre à conserver à la Belgique une bonne situation financière. Là réside en grande partie sa force et sa sécurité. Le budget normal des dépenses sera réduit.

Mon Gouvernement est résolu à opérer successivement des économies efficaces.

Plusieurs impôts devront être modifiés dans leur base. Nous ne perdrons pas de vue dans la répartition des charges ce qui est dû de ménagement à ceux dont le travail seul entretient l'existence. Nous continuerons de rechercher avec une sollicitude vraie, toutes les mesures propres à améliorer et à relever la condition des classes laborieuses.

Nous traversons une époque remplie d'épreuves difficiles pour la Société Européenne. La Belgique ne se laissera pas détourner de la voie sage et sûre dans laquelle elle est entrée. Elle a pu, par un heureux accord, concilier la stabilité avec le progrès, l'ordre avec la pratique de toutes les libertés. Pour se maintenir dans cette voie, pour accomplir avec succès sa mission de paix et de travail, il suffit à la nation d'avoir foi en elle-même et de rester unie. Vous, Messieurs, qui êtes l'expression fidèle de ses sentiments et de ses vœux, vous, à qui elle a remis le dépôt de ses plus chers intérêts, vous répondrez dignement à son attente ; vous accorderez au Gouvernement le concours bienveillant dont il a besoin pour remplir sa tâche difficile, et, de nouveau, nos communs efforts auront bien mérité du pays.

DISCOURS du Roi des Pays-Bas, à l'Ouverture de la Session des Etats Généraux.—La Haye, le 16 Octobre, 1848.

NOBLES ET PUISSANTS SEIGNEURS,

Vous approuverez sans doute qu'à l'ouverture de cette session je m'abstienne de suivre l'usage établi de tracer un aperçu, comme introduction à vos travaux législatifs, de la situation du pays et des différents projets de loi qui vous seront présentés.

En effet, la mission de cette assemblée est exceptionnelle et transitoire de sa nature, et ces 2 Chambres des Etats-Généraux seront sous peu remplacées par d'autres Chambres composées et élues d'après les dispositions qui, lors de la révision de la loi-fondamentale accomplie dans la session qui vient de finir, ont été insérées dans cette loi et seront bientôt solennellement promulguées.

Toutefois, en cette occasion, je ne puis m'abstenir, nobles et puissants Seigneurs, de vous exprimer cette conviction que, si l'état général de l'Europe est de nature à faire naître de graves inquiétudes, divers signes favorables se manifestent dans la situation de notre patrie.

Soit que je considère nos relations avec les Puissances Etrangères, soit que je porte mes regards sur nos possessions dans les autres

parties du monde, ou sur les intérêts du commerce, de la navigation, de l'agriculture et des autres branches de l'industrie, à côté de plusieurs symptômes inquiétants je rencontre aussi un grand nombre de motifs de consolation et d'encouragement. J'apprécie surtout, parmi ces derniers, la manière exemplaire dont a été commencée, poursuivie et accomplie la grande et importante œuvre de la révision de la loi fondamentale.

Tandis que tant d'Etats en Europe sont ébranlés jusque dans leur base par de violentes secousses, et que les rues de maintes cités sont teintes du sang des citoyens, notre pays a su se préserver de la fureur des dissensions civiles et des calamités qu'entraînent le désordre et l'anarchie. Bien plus, notre pays a joui de cet avantage que le pouvoir législatif, libre dans son action, avec une entière indépendance et dans la plus parfaite harmonie, là aussi où régnait une différence d'opinions, a accompli paisiblement sa vaste mission qui devait être si décisive pour les destinées du pays.

Au sujet de cette heureuse issue de l'œuvre toujours critique de la révision complète du pacte fondamental d'un Etat, j'ai fait exprimer, lors de la clôture de la dernière session, ma reconnaissance aux 2 Chambres des Etats-Généraux qui ont prêté à cette œuvre leur actif et vigilant concours. Mais pour moi-même et pour cette circonstance solennelle, je me suis réservé de remercier tous mes bien-aimés concitoyens de la modération, de la confiance, du respect pour les lois et l'ordre public, comme aussi de l'attachement à ma personne et à ma dynastie, que pendant la longue période exigée pour l'accomplissement de ces importants travaux législatifs ils ont manifestés sans restriction et avec tant de constance jusqu'à ce jour.

C'est ainsi, nobles et puissants Seigneurs, que notre édifice politique, tout en restant établi sur ses mêmes bases, a vu ses dispositions intérieures modifiées d'après les besoins de l'époque, et coordonnées de manière que les améliorations que l'avenir exigerait, puissent y être introduites sans produire la moindre secousse. Pour entrer dans cette nouvelle période, le concours de vos nobles puissances m'est encore nécessaire, et c'est ce concours qu'avec une pleine confiance je viens invoquer aujourd'hui pour le salut de la patrie.

Pour que la Néerlande prospère dans la nouvelle voie qui lui est ouverte, il faut que chacun de ses habitants ait la conscience intime des saints devoirs qui lui sont imposés, et soit animé de cet amour de la patrie toujours prêt à faire pour elle les plus grands sacrifices.

Le passé me fait nourrir à cet égard, nobles et puissants Seigneurs, le meilleur espoir pour l'avenir.

Si, malgré les efforts tentés pour diminuer les dépenses de l'Etat, les circonstances exigent de nouveaux subsides pour parer aux besoins du moment, je les demanderai avec confiance à vos nobles puissances.

Si de nouveaux temps d'épreuve nous sont encore réservés, je suis

convaincu que chacun, avec l'aide de la Providence, fera de courageux efforts pour les surmonter. Nous saurons détourner du sol de la patrie les troubles, le désordre, les dissensions de quelque nature qu'elles puissent être, et nous transmettrons intact à nos descendants le gage qui nous est confié.

Que le Tout-Puissant bénisse la constance de nos efforts!

*DISCOURS du Roi de Suède, à la Clôture de la Diète.—
Stockholm, le 24 Octobre, 1848.*

MESSIEURS,

L'EPOQUE qui vient de s'écouler depuis l'ouverture de vos délibérations, occupera une place remarquable dans les fastes de l'histoire. La plupart des états de l'Europe ont souffert de violentes commotions, et les questions sociales qui s'agitent entre les Gouvernements et les Peuples, n'atteindront peut-être pas de longtemps encore leur solution définitive. Rendons grâce à la bonté Divine de nous avoir épargné des secousses nuisibles à la tranquillité de l'état comme au bien-être de chaque individu, et réjouissons-nous de la modération et du calme, dont le peuple Suédois a fait preuve au milieu des tempêtes qui ont ébranlé le monde. Ce n'est qu'en persévérant avec la même mesure que nous pouvons espérer de voir réalisés, dans l'intérêt général, nos vœux communs pour l'amélioration de nos institutions.

Ma reconnaissance vous est acquise, Messieurs, pour la noble spontanéité avec laquelle vous vous êtes ralliés à ma décision de concourir au maintien de l'indépendance menacée de nos Voisins et Alliés. Des résultats satisfaisants ont déjà été obtenus, sans que les fonds alloués par vous ayant été épuisés, et nous pouvons envisager l'avenir d'un oeil plus tranquille. Une Convention d'armistice d'une durée assez prolongée a été conclue, sous ma médiation, entre les parties belligérantes, et nous pouvons nous flatter de l'espoir, que la voie est ouverte aux négociations pour amener une paix juste et durable.

Je n'ai cessé de suivre avec un vif intérêt vos délibérations au sujet de notre représentation nationale. L'expérience ayant démontré la difficulté de parvenir à concilier, sans mon intermédiaire, les opinions divergentes, je vous ai présenté un projet, lequel, en admettant une extension considérable du droit électoral, contient, en même temps les garanties nécessaires pour le maintien et le développement régulier de l'ordre social. Je me tiens assuré, Messieurs, qu'animés d'un désir sincère de terminer, d'une manière satisfaisante, cette grave question, vous lui vouerez, lors de votre prochaine réunion, l'attention qu'elle réclame si impérieusement.

C'est avec une vive satisfaction que j'ai appris votre décision d'accorder de nouvelles allocations pour améliorer et multiplier les écoles primaires. Vous avez donné ainsi un témoignage honorable de votre zèle pour l'éducation des générations futures.

Les questions importantes dont vous vous êtes occupés, n'ont point pu obtenir toutes, pendant cette Diète, une solution satisfaisante. Je ne cesserai cependant de les suivre avec un intérêt particulier, et de concourir à faciliter leur décision dans un sens conforme aux intérêts de la nation.

En déclarant maintenant vos travaux terminés, j'appelle sur les Etats Généraux les bénédictions du Ciel, et je vous renouvelle, Messieurs, les assurances de toute ma bienveillance royale.

DISCOURS du Président, à l'Ouverture de la Diète Ordinaire de la Suisse.—Le 3 Juillet, 1848.

MESSIEURS, CHERS ET FIDELES CONFEDERES!

PEU de jours seulement se sont écoulés depuis la clôture de la Diète de l'année dernière jusqu'à l'ouverture de la Diète de cette année qui nous réunit de nouveau dans cette enceinte à cette heure solennelle. Mais ce court espace de temps ne peut diminuer l'importance de ce jour ni la joie que procure le retour des députés du peuple Suisse des 22 cantons. Aujourd'hui, comme toujours, soyez les bienvenus, et aujourd'hui comme de tout temps recevez, dans le sentiment d'un amour invariable de la patrie, le salut d'amitié et de fraternité fédérales, vraies et sincères.

Nous avons traversé une année importante. En calculant d'après le temps l'espace qui s'est écoulé depuis la dernière réunion de la Diète, il n'y a qu'une année; mais si l'on tient compte des événements, il y a plus qu'un âge d'homme. Car le changement qui a eu lieu au milieu de nous, changement de la plus haute importance pour la Confédération et son existence ultérieure; la lutte violente qui peu de temps après a fait le tour chez tous les peuples de l'Europe, et qui, rapide comme l'éclair, a anéanti une dynastie, détruit le système politique qui était en vigueur jusqu'ici, brisé les vieilles entraves qui s'opposaient au progrès, fait tomber en ruine l'antique édifice social longtemps maintenu debout par des moyens artificiels et qui, avec une vitesse qu'on ne pouvait pressentir, a poussé les peuples à la conquête de leur liberté: tels sont, chers confédérés, les faits qui, réunis à bien d'autres encore, se sont passés dans l'espace des 12 derniers mois qui viennent de s'écouler. Ce sont des événements dont on trouvera difficilement le pendant dans l'histoire; ce sont des change-

ments gigantesques, tels qu'aucune époque n'en a vu de pareils. A ces événements se rattache une nouvelle ère sociale ; ils nous font concevoir le doux espoir d'un avenir heureux et durable pour le bien-être des nations, si l'ordre public et la justice continuent à être leurs gardiens, si elles sont guidées par une volonté honnête et un pouvoir désintéressé. Les maux qui, d'après les lois éternelles de la nature, se manifestent dans tous les enfantements et se sont fait sentir dans cette révolution sociale, disparaîtront, il faut l'espérer, plus tôt que ne le désire la perversité des uns, plus tôt que ne le prédit la folie des autres. L'espèce humaine, il est vrai, peut se tromper, mais elle ne se perd jamais, et la liberté, lorsqu'elle est assise sur des bases solides, cicatrise bientôt les blessures et fait bien vite oublier les peines qu'on a endurées pour la conquérir.

En face de perspectives de cette nature, la Suisse qui possède avec sûreté depuis des siècles ce que d'autres peuples cherchent maintenant seulement à conquérir, peut contempler avec joie le passé et porter avec assurance ses regards sur l'avenir. Elle doit saluer avec sincérité les événements qui la rapprochent encore davantage des nations avec lesquelles elle a entretenu jusqu'ici des relations d'amitié. Elevés par nos propres forces et renforcés de nouveau par la conscience de nos droits, en possession paisible des biens que nous avons hérités de nos pères, nous sommes aujourd'hui réconciliés et heureux, sans réminiscence d'une querelle qui a été bien vite oubliée. Il est vrai qu'il nous reste encore des vœux à faire et des espérances à concevoir ; mais ils ne sont pas de nature à exciter en nous la jalousie ou l'envie envers d'autres nations ; car la réalisation de nos modestes vœux, de nos espérances sans prétention, dépend uniquement de nous. Ce qui nous manque ne peut nous être apporté de l'étranger ; il faut que nous l'obtenions chez nous, au milieu de nous, par notre propre volonté et notre propre action. Nous atteindrons sûrement ce but si, vis-à-vis de l'étranger, nous demeurons, quant à l'action, dans une stricte impartialité au milieu des efforts que font les peuples ; si de fait nous ne les favorisons ni ne les entravons et que nous exigeons la même impartialité pour nos affaires intérieures, si nous repoussons décidément et avec tout le poids de notre force morale et physique tout empiètement arbitraire sur notre territoire. A l'intérieur, si fidèles à notre origine, nous suivons avec loyauté et unis par les liens d'une concorde fraternelle la voie que nous nous sommes frayée et que nous avons déjà parcourue avec tant de bonheur. L'appréciation équitable et la réalisation consciencieuse de ces principes sont une garantie pour le bonheur durable de la Suisse, c'est à dire pour son indépendance vis-à-vis de l'étranger, pour sa liberté et son union à l'intérieur. La Suisse a son histoire à elle ; elle ne doit, elle ne peut fermer l'oreille aux enseignements qu'elle lui donne. Nous n'avons aucun droit ni aucun sujet quelconque de l'oublier. Sous ce rapport,

comme sous bien d'autres, la nation Suisse occupe une place unique dans le monde et ce n'est certes pas un de ses derniers avantages. Si nous restons fidèles à nous-mêmes, nous ne nous précipiterons pas au-delà du but assigné à nos propres efforts et nous ne nous égarerons jamais dans ce labyrinthe dans lequel se montrent des ténèbres qui entravent le progrès, ou dans de fausses voies qui conduisent à une perte inévitable. La Suisse doit continuer à progresser et à se développer ultérieurement; c'est un besoin dont nous tous nous sentons la nécessité; c'est un sentiment qui vit dans la conscience de chacun et de tous. Mais ce que nous devons éviter, c'est de nous exposer au péril, sciemment ou à notre insu; que cet avertissement soit profondément gravé dans notre esprit.

L'œuvre terminée par la Diète récemment dissoute attend la reconnaissance et l'approbation du peuple Suisse. Cette œuvre nous fournira l'occasion de nous rendre compte à nous-mêmes si nous nous sommes bien compris réciproquement, si nous avons le même but en vue, ou bien si nous voulons nous diviser et nous rendre impuissants par cette division.

Je ne puis dissimuler que la voie est difficile, car ce n'est pas une tâche facile pour l'homme que de mettre des bornes à ses vœux et à ses opinions, de les sacrifier sans contrainte aux vœux et aux opinions des autres. Mais néanmoins aucune œuvre de concorde et de progrès organique ne peut prospérer sans cette déférence au bien public. L'atonie politique seule ou l'orgueil despotique peut se passer de cette déférence; or le Suisse repousse l'atonie politique et le despotisme, car il est étranger à l'une comme à l'autre. Notre seul guide est le besoin de la concorde, besoin aussi vieux que notre histoire et aussi fort que l'amour que nous portons à la patrie. L'histoire de notre origine et de notre développement comme nation l'a déjà prouvé souvent d'une manière suffisante; la dernière page de cette histoire vient encore de le buriner en traits indélébiles. Nous ne pouvons, nous ne voulons pas rompre désormais avec ce qui s'est confirmé dans les anciens jours et avec les événements qui se sont passés récemment. Il serait téméraire d'y songer. La Suisse entière protesterait contre cette audace.

C'est pourquoi, lors même que quelques-uns cherchent à faire prévaloir leurs propres vœux et leurs opinions particulières, lors même qu'il y a des citoyens qui refusent à la nouvelle constitution leur adhésion, et quant à la forme et quant au fond, d'autres qui la repoussent parce qu'elle promet trop aux uns et trop peu aux autres, nous avons néanmoins la conviction que la généralité, comme telle, ne prêterait pas l'oreille à des insinuations de cette nature, insinuations qui l'empêcheraient d'examiner mûrement cette œuvre et de l'apprécier sous toutes ses faces.

Nous dépasserions évidemment les bornes de la vérité, si nous

soutenions que le projet de constitution satisfait réellement tous les vœux et toutes les demandes que peuvent faire avec plus ou moins de raison 25 populations séparées les unes des autres d'après leur organisme intérieur et leurs besoins individuels. Nous sommes bien loin de le prétendre et nous sommes tout aussi loin d'espérer qu'elle recevra généralement la reconnaissance d'une population qui compte plus de 2,000,000 de citoyens dont les opinions sont si divergentes. Cela n'est pas possible. En revanche, ce qui est garanti par la nouvelle constitution mise en perspective et ce qui peut être accordé sans léser les uns comme sans faire peser une contrainte despotique sur les autres, c'est qu'elle laisse réellement et non seulement d'après son nom, subsister chaque canton faisant partie de l'alliance fédérale, et conserve à son profit ce qui, lui étant élevé, l'affaiblirait sans augmenter la force de la Confédération. Elle donne à la Confédération la force nécessaire pour prévenir toute décadence future sans cependant anéantir la souveraineté cantonale dont l'action s'exercera à l'intérieur, souveraineté sans laquelle la Confédération ne serait qu'une chimère ; elle ne restreint pas les Cantons au point de les réduire à l'inaction ; en un mot, elle forme une unité de tous les éléments divers qui la composent et les laisse en même temps subsister dans leur individualité propre d'une manière qui, d'après la conviction intime de ceux qui ont été appelés à coopérer à la construction de cet édifice social, répond à l'essence de la Confédération formée d'Etats souverains, en tenant compte de l'origine et du développement historiques, tant de la Confédération même que des Cantons et de la grande diversité qui y règne, circonstances qui méritent d'être appréciées à leur juste valeur. Frayant et aplanissant la voie partout où le besoin l'exigeait, où la possibilité le permettait, créant tout à neuf et opérant des changements partout où le passé le demandait et où l'avenir pouvait le désirer, la nouvelle constitution laisse néanmoins exister la souveraineté cantonale avec tous ses éléments de vie et en même temps elle remet entre les mains de la Confédération les moyens nécessaires sans lesquels on ne pourrait atteindre à une unité forte, sans lesquels il serait impossible de donner le jour à un être vivant de sa propre vie ; l'un dévorerait l'autre ou s'étiolerait jusqu'à son dépérissement complet.

On se disputera sans doute en théorie sur la question de savoir si l'autorité préconsultative a bien fait d'avoir égard au présent, dans son développement historique, sans méconnaître en même temps les droits de l'avenir, ou bien s'il vaut mieux chercher son nouveau salut dans le renversement subit de la constitution fondamentale actuelle. Or le point de vue politique et pratique, ainsi que l'expérience acquise par les leçons de l'histoire, se prononce d'une manière absolue contre cette dernière alternative et nous engage d'une manière tout aussi

précise à suivre la direction opposée. Mais à peine avons-nous besoin de ces enseignements. La conviction que nous avons de la haute importance d'une unité forte, conviction qui a été renouvelée en nous, est trop générale, notre ancien attachement à notre état particulier qui a traversé les siècles, est encore trop vivace pour que nous puissions nous écarter de la véritable voie. Conservons cette conviction et cet attachement; ils nous maintiendront sur le bon chemin. Nous parviendrons assurément au but si nous sommes justes envers nous-mêmes, justes les uns envers les autres, si chacun n'exige rien de trop et n'offre rien de trop peu; en un mot si nous manifestons sérieusement la volonté de donner une plus grande force à l'antique Confédération. N'hésitons pas à exprimer ce que nous sentons tous, les choses sur lesquelles nous sommes tous d'accord, et avec nous, sans doute, toutes les nations amies de la Suisse. Dans cette enceinte sacrée j'engage tous les confédérés à bannir toute illusion, à s'abstenir de toute demande exagérée, de toute opposition inopportune, et à réfléchir que nous ne pouvons reculer couverts de honte, ni marcher témérairement en avant, mais que nous devons nous tenir strictement collés à ce qui, après des désirs longtemps manifestés et des peines nombreuses, peut être réellement mis à exécution.

Nos efforts doivent toujours tendre vers les biens les plus élevés et la plus grande perfection, mais il ne faut pas que nous les cherchions en dehors des limites du possible, que nous aspirions témérairement à un but que nous ne pouvons atteindre et que nous perdions des choses qui nous paraissent moins parfaites, mais que cependant nous pouvons obtenir. Lors même que ce danger nous paraîtrait pour le moment imaginaire, nous ne pouvons néanmoins oublier les leçons que nous a données le passé ni les dangers que pourrait nous apporter l'avenir. Car quoique bien des choses se soient présentées récemment sous un aspect plus favorable, les inquiétudes ne sont cependant pas dissipées pour toujours. L'orage, quoique ce ne soit pas d'une manière immédiate, est encore suspendu sur nos têtes et se traîne à l'horizon politique, et peut-être non seulement il se condensera, mais il pourrait encore nous atteindre. Nous admettons des possibilités, car nous savons que celui-là seul peut éviter à temps le danger qui suit l'apercevoir de près. La Suisse doit s'approprier sans crainte cette mesure de sûreté. Mais il faut aussi qu'elle sache que nous ne serons forts et que nous ne pourrons résister aux orages et aux tempêtes que lorsque nous nous serons frayé à nous mêmes une voie nette et que nous aurons réglé en bons pères de famille nos affaires intérieures; lorsqu'aucun acte rétrograde, aucune mésintelligence ne viendront briser notre volonté générale, notre force commune. Nous parviendrons à ce but si, par une entente fraternelle, nous adoptons la nouvelle constitution pour loi fondamentale; c'est à ce but que nous

devons parvenir si, contre toute attente, nous ne voulons être en proie à toutes les vicissitudes de l'avenir.

C'est pourquoi, chers confédérés, prenons courage, jetons rapidement un pont sur l'ancien rivage pendant qu'il est encore affermi. Ce pont sera assez fort pour nous conduire à une vie plus robuste, à une union plus forte et à un nouveau progrès. Sur le terrain aplani de cette constitution fédérale, sous l'égide tutélaire des institutions améliorées qu'elle engendrera, nous pourrons en toute confiance marcher en avant et laisser passer sans crainte sur nos têtes les orages qui pourront éclater. Je n'ai vraiment pas le courage de songer au sort qui nous serait réservé si nous ne tenions pas compte des sérieux enseignements de l'époque actuelle, après que nous avons abattu jusque dans ses fondements l'édifice antique et d'ailleurs vermoulu de nos institutions fédérales et que nous avons généralement reconnu et exprimé le besoin d'en créer de nouvelles.

Je puis me dispenser de scruter l'avenir, lorsque je considère l'esprit sain et vigoureux du peuple Suisse. J'aime mieux porter mes regards sur nos alpes verdoyantes, sur nos riches vallées où règnent aujourd'hui, comme toujours, l'industrie, l'activité habituelles, ces compagnes nécessaires de notre bien-être national, qui sont des sources naturelles auxquelles nous allons puiser. Cet aspect réjouissant est d'autant plus sublime qu'ici nous n'avons pas à combattre les êtres monstrueux qui exercent presque partout leurs ravages. La Suisse, au milieu de l'anarchie qui règne presque partout, jouit du bonheur digne d'envie de figurer parmi le petit nombre de pays où n'ont pu pénétrer ni cette maladie ni les suites qui l'accompagnent et qui sont tout aussi dangereuses. La Suisse, plus Suisse aujourd'hui qu'elle ne l'a été longtemps auparavant, présente à coup sûr un spectacle réjouissant, même dans l'imperfection de son état social.

A l'étranger, nos relations de droit public avec les nations n'ont éprouvé aucune espèce d'interruption dans ces derniers temps; à l'intérieur, l'ordre, le droit et la loi règnent dans toute leur antique vigueur et protègent l'homme libre ainsi que la famille. L'agriculture, l'éducation du bétail, l'exploitation de nos alpes, ces éléments principaux de notre bien-être matériel, n'ont pas cessé d'être florissantes. L'industrie, le commerce et la circulation n'ont pas éprouvé non plus de contre-coup d'une nature générale et dangereuse. Là où la stagnation s'est fait sentir, c'est à la suite de mesures prises par l'étranger et devenues indispensables dans les relations que la circulation entre les peuples civilisés rend nécessaires.

Notre état financier, sans être bien riche et surabondant, est cependant convenablement régularisé, et avec une sage économie, nos finances suffiront à couvrir tous nos besoins. Nos écoles et tous nos établissements d'instruction publique continuent à être florissants.

Le manque de travail ou plutôt la dégénération de l'amour du travail qui est généralement nécessaire à l'homme, n'a pas provoqué chez nous des mesures extraordinaires d'une nature permanente; au contraire, sous ce rapport ont pu suffire les sources régulières que présentent les besoins ordinaires et la protection des lois de police habituelle qui leur prêtent leur appui.

Les sacrifices qu'ont exigés nécessairement des uns et des autres nos derniers efforts pour dompter les éléments hostiles à notre commune patrie n'ont nullement excédé la mesure de nos forces, nulle part ils n'ont laissé des traces indélébiles de dévastation. Il est vrai que nous avons à déplorer la perte de plusieurs de nos fils et de nos frères; mais comme le Suisse fait volontiers le sacrifice de sa vie pour le bien de la patrie; comme les survivants se sont chargés bénévolement et avec amour des veuves, des orphelins et des blessés, le souvenir de ces événements n'est pas de nature non plus à couvrir de deuil l'image rassérénée de la patrie commune.

Malgré les imperfections et les défauts de l'ancien pacte, malgré les ébranlements et les changements auxquels nous avons assisté de loin ou de près, la situation de la patrie commune ne présente pas un sombre spectacle; il est au contraire bien plus réjouissant que celui que nous offrent la plupart des Etats de l'Europe; si déjà maintenant nous pouvons nous applaudir de cet état de choses, à quelle douce attente ne pouvons-nous pas nous livrer pour l'avenir, quel agréable espoir ne pouvons-nous pas concevoir, lorsque de toutes parts l'ordre légal, la tranquillité seront rétablis en Europe et que la nouvelle constitution qui nous offre un terrain si fertile pour tout progrès et pour le bien-être général matériel et politique du peuple Suisse sera introduite dans notre patrie. Mon dernier vœu, qui est aussi le vôtre, c'est que ces espérances se réalisent bientôt et qu'elles fondent d'une manière durable le bonheur de la patrie commune, pour notre salut et celui de nos descendants.

Avec cet espoir nous prendrons congé du passé et nous nous avancerons dans l'avenir, dont l'aurore nous apparaît sous des couleurs si riantes.

Nourrissant cet espoir, je déclare ouverte la session ordinaire de l'année 1848.

Je vous invite, chers, fidèles Confédérés à confirmer encore une fois l'ancien pacte fédéral par notre serment.



SPEECH of the Hospodar of Wallachia, on the Opening of the General Assembly.—Bucharest, January 29, 1848.

MESSIEURS LES DEPUTES DE L'ASSEMBLEE GENERALE,

EN vous revoyant réunis autour de moi, j'éprouve la satisfaction que donnent une confiance mutuelle et des services communs rendus à la patrie.

Vos travaux de la session dernière, qui sera consignée avec honneur dans nos annales, ont déjà porté une grande partie de leurs fruit.

Dix mille familles dont vous avez brisé les fers bénissent votre nom, en goûtant les bienfaits de la liberté, et leur faible tribut ajoute chaque jour au nombre des affranchis. C'est sans doute un grand sujet de bonheur pour nous tous de pouvoir penser que dans peu d'années la terre Valaque ne nourrira plus que des hommes libres.

L'instruction publique, en ce qui concerne les écoles primaires et élémentaires dans nos villes et communes, a déjà reçu toutes les améliorations qu'elle réclamait. J'ai tout lieu d'espérer que bientôt je serai parvenu à surmonter aussi les difficultés que présente l'organisation de l'enseignement supérieur, afin que nos fils ne soient plus obligés de s'expatrier à un âge où les souvenirs du sol natal, trop faibles encore, finissent par s'effacer, pour faire place à des impressions qui les rendent ordinairement étrangers parmi les leurs et aux affaires de leur pays.

La loi que vous avez votée sur l'amélioration du sort du petit clergé, et sur la régularisation des revenus de la métropole et des évéchés, a reçu en partie son exécution. Nous pouvons espérer que ces dispositions salutaires recevront, dans le courant de cette année, leur entière application.

La réunion de nos douanes avec celles de la Moldavie a levé les entraves qui empêchaient, au détriment des 2 pays, le libre échange de leurs produits, en même tems qu'elle a apporté une augmentation à nos revenus. Le prix obtenu aux dernières enchères effectuée dans la capitale de la Moldavie, a dépassé, pour la part qui nous revient dans le produit de cette ferme, celui obtenu les années précédentes, non obstant la réserve faite à l'égard de l'exportation du bétail.

Les sommes que vous avez allouées pour faire remplacer par un système régulier et économique le mode vicieux qu'on suit dans l'exploitation de nos salines, sont destinées à nous réaliser des bénéfices considérables.

Les travaux qui y ont été exécutés dans le courant de l'année qui vient de finir, ont dépassé toutes nos espérances; ils nous donnent la certitude que bien avant la fin du dernier contrat de ferme. Nous aurons obtenu le double but d'un système d'exploitation mieux entendu et combiné avec les améliorations que les devoirs de l'humanité

réclamaient depuis long-temps en faveur des grands coupables condamnés aux travaux forcés.

La partie judiciaire a aussi reçu de notables améliorations par le frein que vous avez mis à l'esprit de chicane, en statuant des frais légers, il est vrai, mais suffisants pour prévenir bien des poursuites injustes, et par la stabilité que vous avez assurée à la propriété, en soumettant la possession immobilière aux règles de la prescription. A la suite de ces sages dispositions les procès ont diminué dans une proportion considérable ; sur 18,000 affaires pendantes au commencement de l'année dernière, il n'en reste plus que 4000.

Voilà, Messieurs, les résultats d'une seule session. Ils sont bien glorieux pour vous, et ils donnent la mesure de ce que peut l'harmonie entre le Gouvernement et l'Assemblée.

Au milieu de la joie générale et des espérances que vos travaux avaient laissées dans tous les cœurs, une grande calamité est venu nous frapper, en réduisant en cendres la partie la plus populeuse et la plus riche de notre capitale. Le Gouvernement a eu de pénibles devoirs à remplir dans cet affreux malheur, et j'ai la consolation de pouvoir penser qu'il s'en est acquitté ainsi qu'il le devait. Je ne doute pas qu'il n'obtienne aussi votre approbation en ce qui concerne les secours que les caisses publiques sont venus ajouter à ceux offerts par la charité privée dont le zèle s'est élevé au dessus de tout éloge. Les Hautes Cours Suzeraine et Protectrice nous ont donné en cette circonstance des preuves touchantes de leur constante sollicitude et de leur inépuisable générosité, qui ont pénétré nos cœurs de la plus vive reconnaissance. Sa Majesté l'Empereur de Russie a en outre autorisé qu'une souscription fût ouverte dans l'intérieur de son Empire, dont le produit a soulagé et soulage encore bien des infortunés. Il fallait de promptes mesures pour faire tourner cette catastrophe au profit de la prospérité future de la ville ; bien des difficultés s'opposaient à leur exécution ; grâce néanmoins à la bonne volonté de ses bons habitants, elles ont été applanies, et nous pouvons avoir le doux espoir que le nouvel aspect que présentera bientôt notre capitale finira par effacer les regrets du passé. Il m'est impossible, Messieurs, de me rappeler ce désastre sans éprouver, parmi la terreur que ce souvenir réveille dans mon âme, un sentiment de vive émotion et d'orgueil national, en pensant au courage des victimes et à l'empressement que tous ont mis, le lendemain même du sinistre, à remplir leurs engagements. Le bon ordre n'a pas été troublé un seul instant et notre crédit, sorti victorieux de cette terrible crise, que devoit bientôt aggraver le gêne survenu à l'étranger, est aujourd'hui mieux assis que jamais, grâce à l'activité et à la fidélité de nos commerçans.

Notre finance est sans doute loin d'être en rapport avec les besoins qui se développent chaque jour ; cependant, par suite de la règle que je me suis imposée dès le principe de ne jamais dépasser les

ressources disponibles, elle peut être considérée comme en très bon état. Aucune de nos caisses publiques n'offre de déficit et la plupart même possèdent un excédant comme vous aurez lieu de vous convaincre par les comptes qui seront soumis à votre contrôle.

Je vous avais promis au commencement de l'année dernière, le pont sur l'Olto, des aqueducs pour notre Capitale, et l'ouverture à travers les Carpathes de la route à Kinnéni. Vous savez que ces promesses ont été accomplies de manière à laisser à ceux qui viendront après nous de véritables monumens du zèle et du talent de ceux qui m'ont aidé dans leur exécution. Plusieurs autres travaux importants, tendant à faciliter nos communications et à nous ouvrir de nouvelles sources de prospérité, ont été entrepris sur différents points de la Principauté, et ils seront poursuivis, dès le retour de la belle saison, avec la nouvelle ardeur que donnent le succès et l'expérience.

Si à côté de ce tableau succinct de ce qui a été fait dans l'espace d'une seule année, nous considérons l'état de calme, de sécurité et de bien-être dont jouit notre pays nous ne pouvons que nous féliciter et en tirer le plus heureux présage pour son avenir; mais à la condition que nous ne nous arrêterons pas; les tems d'arrêt sont de tems de mort pour les peuples qui reviennent à la vie.

Nous sommes, Messieurs, dans la bonne voie; continuons à nous donner la main; nos efforts réunis ne sauraient être de trop pour vaincre les obstacles qui encombrant la route de la civilisation. La patrie vous en sera reconnaissante.

CORRESPONDENCE respecting the Affairs of Hungary.—
1847, 1848.*

No. 2.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 26.)

MY LORD,

Vienna, November 20, 1847.

I HAVE the honour to transmit herewith the copy of the propositions submitted by His Imperial Majesty to the Hungarian Diet, as it appeared in the Vienna Gazette of to-day. I enclose them in translation.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Propositions submitted to the Hungarian Diet.

(Translation.)

Presburg, November 11, 1847.

IN the name of His Imperial and Royal Majesty our gracious ruler, the following propositions are communicated to the Imperial Archduke and the honourable members, who have been summoned

* Laid before Parliament, with subsequent Papers, 1850.

for the present Diet by His Imperial Majesty. His Imperial Majesty, in accordance with the desire he has ever felt since his accession to the Throne, that the welfare and prosperity of Hungary and of the dominions incorporated in it might gain ground, partly through the strict observance of existing laws, partly by the creation of new ones, has been pleased to summon together the above-mentioned Members of the Diet, and graciously expresses the following wishes :

I. That inasmuch as the post of Palatine has become vacant by the decease of His Imperial Highness the Archduke Joseph, the honourable Members of the Diet should proceed to the election of a Palatine, who, after he has been duly elected, and shall have taken the customary oaths, will be confirmed by His Imperial Majesty in his office, &c.

II. With regard to the maintenance and quartering of the army, the definitive adoption of the propositions and military regulations mentioned in the Imperial address of November 10, 1844, and herewith submitted to the Diet, shall be taken into consideration, and the result made known as soon as possible to His Imperial Majesty.

III. Since, in consideration of the position allotted to the royal free cities by the Diet, the abolition of those fundamental disabilities mentioned in the 3rd section of the propositions made at the last Diet ought not to be any longer deferred, His Imperial Majesty thinks fit to call upon the honourable Members of the Diet again, in order that as regards the right of voting properly belonging to the royal free and mining cities, measures may be taken in accordance with the above-mentioned royal wishes, and that the proper increase of constitutional rights may be likewise extended to the power of voting enjoyed by the ecclesiastical body and the free districts.

IV. His Imperial Majesty has, in his fatherly care for the reasonable and due advancement of the royal free cities, and in consideration of the prayers of the citizens that a constitutional establishment of the free and mining cities may be effected as soon as possible, determined to submit the accompanying proposal with this view to the honourable Members, in order that the deliberation of the Diet upon this most important subject may be hastened, and the object proposed attained as soon as possible.

V. For the security of the possession of property in land, and in the interest of the private credit which actually depends upon this, it is necessary that the laws concerning the purchase and transfer of land should be carefully altered ; that the mode of carrying on law-suits with reference to this should likewise be clearly laid down ; that land-registration books should be introduced ; and that courts of law should be established for the maintenance of these regulations in each comitat.

To promote this object His Imperial Majesty communicates to the honourable Members the accompanying propositions for their consideration, and refers them at the same time to the 6th section of the Royal Propositions at the last Diet.

VI. The permission for those persons who are subject to the laws of "Roboth," to buy themselves free for ever, has been, it is true, declared by law; but the carrying out of this is connected with many difficulties. In order, therefore, to render the attainment of the object of this legal declaration more easy, His Imperial Majesty wishes the honourable Members, in the course of the assembly of this very Diet, to submit to his gracious approval a proposition for a law so that the assigned object may be obtained after setting aside all the obstacles arising from the present state of the law, always in consideration of what is reasonable and with due regard to the rights of property.

VII. With regard to the prosperity of commerce and manufacture in the interior, His Imperial Majesty has no more ardent desire than that the existing commercial relations between Hungary and Austria should be arranged for the reciprocal profit of both, and that commerce should likewise be extricated from the present existing impediments caused by imperious necessity alone.

For the attainment of this object His Imperial Majesty has no better plan to propose than the abolition of the Custom-house barriers between Hungary and the other Austrian States. But the adoption of this measure requires on the one hand the constitutional co-operation of the Diet, on account of the circumstances connected with it, and, on the other hand, it demands the most careful and deliberate consideration, on account of the considerable reaction which it will produce upon the present condition of the Austrian hereditary States, and the revenue of the State. His Imperial Majesty has consequently thought fit to call on the honourable Members to deliberate carefully upon the best means for attaining this object, and to submit the result of their deliberations as soon as possible to him, in order that His Imperial Majesty (who has already directed that the existing official reports upon the Hungarian commerce should be communicated to the honourable Members) may at an early period be able to make the necessary regulations respecting the further means of assistance which may be suggested in the progress of the deliberations; so that after every possible light has been thrown on the subject, he may be able to obtain laws which will meet the mutual interests of all, and to make the necessary dispositions.

VIII. Since all endeavours to improve the trade of the country, however praiseworthy they may be, must remain without result, owing to the want of proper means of communication in the country, His Imperial Majesty in order to prepare and facilitate the solution of the

present question by first establishing the data and the preparatory steps, has been pleased to form the Imperial Stathaltery, a department for consideration of the means of communication. His Imperial Majesty has also resolved to afford considerable assistance to the principal private undertakings, and especially to the construction of the central line of railroad, and to encourage the patriotic endeavours of the company formed for the regulation of the River Theiss.

His Imperial Majesty has hereby given fresh proofs of his paternal desire to improve the material interests of the country, and calls upon the States, in reference to the scarcity which in past years occurred in several parts of the kingdom, also in consequence of the defective means of communication, to resume the deliberations begun in the last Diet relative to the means of meeting the general necessities of the country, and to ensure not only the advantageous result of the undertaking for the regulation of the Theiss, which is so important a point in the national economy of the country, but also to further the other means of communication in regard to which, be it observed, that in as far as relates to the charter and guarantee of the Fiume railroad, neither the expense of its construction, nor of the previous works, nor the means of covering the interest thereof, were pointed out in the propositions of the last Diet. Moreover, as the said Communication Department has already been informed how far the States are in this instance to refer to the President, in order to submit to him the data and preparatory labours now collected together, His Majesty calls upon them to work out the propositions in such a manner that they may at the same time include the foundation of a national fund, already recognized as necessary by Article XXX, 1802, and also the way and manner of its establishment.

IX. His Imperial Majesty lays before the States in the annexed propositions the result of the previous operations and negotiations which must necessarily precede the execution of Article XXXI of 1836, with the request that whereas, besides the circumstances which impede the carrying into execution of Article XXXI of the law, the petition of the States of Transylvania to be admitted to a further union with Hungary, so often and so recently presented to His Imperial Majesty, supported by the weight of the judicial authorities, who are concerned therein, claim in the highest degree the attention of the legislature, the States will take into due consideration all the circumstances which appertain to the subject.

X. That which His Majesty suggested to the States in the Royal Propositions of the year 1844, namely, that they should draw up the project of a law, based upon the proceedings of the Commission named according to Article V, 1840, for the purpose of framing a code of criminal law and a system of improvement, has now become a still more urgent necessity. His Imperial Majesty can come to no

satisfactory conclusion relative to the representation of the Diet upon the system of prison discipline, till the States have come to an agreement respecting the mode of punishment, and the question of who shall exercise the criminal jurisdiction. His Majesty hopes that the States will not delay to lay before him the first and second parts of the Penal Code.

XI. Whereas the Royal Treasury, burdened with so many expenses of the State, cannot spare the sums amounting to 528,566 fl. C M., and 24,313 fl. W. W., which were advanced by the Treasury in consequence of the exhaustion of the national funds, at the intercession of His Imperial Highness the late Archduke Palatine, His Majesty wishes that in compliance with Article VIII of the Royal Propositions of the year 1843, the States would take measures for the speedy repayment of the said sums to the Treasury.

This is what His Majesty deigns to submit to the States, in expectation that the Diet will provide for the maintenance of due order and moderation, and for the insurance of the freedom of speech and opinion from all external influence, and from such lamentable manifestations as took place during the last Diet. His Majesty has moreover but to assure the Diet of his gracious favour.

EDUARD VON ZSEDENYI.

No. 3.—Viscount Ponsonby to Viscount Palmerston —(Rec. Jan. 27.)

MY LORD,

Vienna, January 19, 1848.

I HAVE the honour to transmit to your Lordship 2 despatches which I have received from Mr. Blackwell, inclosing his report on the proceedings of the Hungarian Diet at Presburg.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure 1.)—Mr. Blackwell to Viscount Ponsonby.

(Extract.)

Presburg, December 22, 1847.

I HAVE the honour to transmit to your Excellency a summary of the proceedings of the Diet.

The principal question under discussion has been the address.

In the address voted by the Delegates, paragraphs 1 to 6 inclusive convey the customary expression of thanks, and were passed unanimously by both Houses.

In sections 16 and 17, His Majesty is requested to summon a Diet annually in Pesth. If the Delegates had merely requested that the Diets might in future be held at Pesth, these paragraphs would also have been unanimously adopted; but the word "annually" precluded the Magnates of the Government party from assenting to the proposal, although several of them are fully convinced that the summoning of an annual Diet is a measure imperatively required, and

which cannot be much longer delayed. I may here remark, that the last Diet passed a bill, or, more properly speaking, a resolution, for the erection of a Dietal Palace in Pesth, and published a prospectus, in several languages, offering a prize for the best plan, &c. A few days ago I was surprised to find no less than 40, sent from all parts of Europe, 3 of them from England. These plans will be submitted to a Dietal Committee, and a representation no doubt sent to His Majesty on the subject.

The 14th section expresses, in answer to the 7th Royal Proposition, the willingness of the Diet to pass measures "for adjusting the conflicting interests of Hungary and Austria," a somewhat vague phrase, inserted probably to meet the views of all parties. The contemplated removal of the intermediate customs line is, however, a measure that will encounter the most violent opposition. The Liberal party regard this line as one of the safeguards of Hungarian nationality. Hence, a question that is apparently a purely commercial one, assumes, like every other question in this country, a political tendency. The line forms a barrier, though a commercial one, between Hungary and Austria. This, irrespective of its commercial advantages or disadvantages, is quite sufficient for it to find favour with the Hungarian Liberals, who declare that, if it were possible, they would convert it into a wall of brass. In a commercial point of view, the removal of the intermediate line would unquestionably be advantageous to Hungary; but unless the Austrian Tariff be at the same time rendered much less prohibitory, the measure would be a further impediment to Hungary entering into commercial relations with foreign States; whereas if the line were kept up, as the Liberal party in Hungary wish it to be, and the Diet allowed to exercise its acknowledged constitutional right to regulate the Hungarian customs duties, there would be a much greater prospect of a fresh market being opened for British manufactures.

Paragraphs 7 to 13 relate to the so-called grievances of the nation. It was these paragraphs, especially the 11th, which furnished the principal topic of discussion in the 2 Houses. The great question of the day in Hungary, is, in fact, the nomination of administrators alluded to in the 11th paragraph. As this is a measure that may lead to very important political results, I will not venture, at present, to pronounce a decided opinion respecting it; both parties having cited the same Dietal Acts: the one to show the illegality of the measure, the other to prove that it is in strict accordance with the law. That it has greatly modified the system of Comitatal administration in Hungary is, however, unquestionable. I will merely observe, at present, that Count Apponyi (the present Chancellor) deemed it expedient to render the office of Lord-Lieutenant of a county merely nominal, by appointing, in upwards of twenty counties, administrators to exercise all the

functions which the Lords-Lieutenant ought to have exercised, although they very seldom thought proper to do so.

However, notwithstanding all the efforts which the administrators are said to have made to influence the elections, the Government party still remains in the minority. In the last Diet the Liberals had, on most questions, a majority in the Lower House, varying from 10 to 25. In the present Diet they have only been able to show a majority of from 2 to 4, viz., on the Address, taxation not being regarded as a party question, although they boast that on other questions this majority will be much greater, at least 20. However, be this as it may, a majority of 2 or 20 will lead to the same result. The Government being, as usual, in a majority in the Upper House, and in a minority in the Lower one, very few measures will be carried; and as party spirit will always rise higher, the Government will be obliged either to make very important concessions or to dissolve the Diet, unless they should prefer letting it wear itself out, like the last one, it being obvious that, so long as the 2 Houses are animated by a different spirit, nothing effective can be accomplished.

A person unacquainted with Hungarian politics would imagine that unanimity prevailed on most questions submitted to the consideration of the present Diet. But with all this apparent unanimity of opinion, there was perhaps never a Diet held in Hungary in which the 2 parties differed so materially in their views as in the present one. The Conservatives wish to carry out the necessary reforms with the co-operation of the Government, and under what they term "its legitimate and constitutional influence." The Opposition, as will be seen by their famous "Programme," have lost all confidence in the Government, and hence are too apt to regard even the most wholesome measures that are supported by the Government party, with undue suspicion. The 2 parties have also totally different objects in view. The Conservatives wish to effect a moderate reform in the existing institutions, in a manner that would tend to strengthen the ties that unite Hungary to Austria. The Liberals, although with professions of loyalty, attachment to the Imperial dynasty, &c., wish to sever these ties, and make Hungary an independent kingdom. The final object which they profess to have in view is, what they term administrative independence; but it is obvious that if this object should ever be attained, and Hungary have its responsible Ministry, its national treasury, national army, &c., administrative independence would soon be converted into national independence, and the ancient crown of St. Stephen again encircle the brows of a Magyar Sovereign.

I conceive it to be my duty, whilst I am here, to give an impartial statement of facts, and to show with equal impartiality the spirit that animates the different parties, as well as the tendency of the measures brought before the Diet. If the struggle between the 2 parties led to

no further results than a modification, for better or worse, of the Hungarian social institutions, it would possess little interest for other countries. It is, for instance, a matter of comparative indifference for England, whether the Hungarian free towns obtain the right of voting at the Diet or not; whether the new system of Comital administration be suffered to take root or be abolished; whether the Aviticity laws be reformed or still allowed to exercise their baneful influence. But when it can be shown that the fate of the Austrian Empire is involved in this struggle, that which at first view appears to be mere party contention, assumes a much higher degree of importance, and claims the attention of statesmen.

Regarding Hungarian affairs in this light, I have deemed it advisable to classify my reports as follows, viz. :

1st. A summary of the proceedings of the Diet.

2nd. Explanatory remarks.

3rd. Supplementary documents, or what the French term *pièces justificatives*.

4th. Documents relating to commercial affairs; and

5th. Letters or despatches officially addressed to your Excellency.

I will merely observe, at present, that although the Government party is more numerous in the present Diet than in the last one, this accession of strength is probably more apparent than real, and is fully counterbalanced by the Liberal party being much better organised than when I was last in Hungary, not only in the Diet, but, if I may rely on their own statements, throughout the country. They held for the first time regular quarterly meetings at Pesth during the inter-Dietal period—have been drilled into something like order and subordination under acknowledged leaders—have established an active correspondence with the counties in their interest—and made known their views in a programme—an analysis of which I have given in the supplementary documents, No. 1. I should not however be surprised to find this organisation become much looser before the end of the Diet. This at least was the case during the last Diet; the Opposition forming a much more compact body at its commencement than at its close. They have also lost some of their most talented men.

(Inclosure 2.)—*Summary of the Proceedings of the Hungarian Diet of 1847–48.*

THE Diet was opened on the 11th of November by the King (1)* in person. On the 12th a mixed sitting (of both Houses) was held. The Magnates and Delegates then went to the Primatial Palace to hear the Royal propositions read. On their return they proceeded in conformity with the first proposition, to elect a Palatine, when the

* See Explanatory Remarks, page 613.

Archduke Stephen, son of the late Palatine, was elected by general acclamation; the Royal rescript, containing the names of 4 candidates (2 Catholics and 2 Protestants, as prescribed by law), remaining unopened.

On the 15th another mixed sitting was held, when the newly-elected Palatine was duly installed, and made a suitable speech on the occasion.

On the 16th the Royal propositions were read at a Dietal sitting (2) of the Delegates.

By these propositions, 11 in number, the Diet is called upon,—

1st. To elect a Palatine in conformity with the Dietal Act 3, 1608.

And to take into consideration various important measures specified in the following propositions, viz.:

2nd. The manner of provisioning and quartering the troops stationed in Hungary; the Royal rescript of Nov. 10, 1844, and the bill annexed to this proposition, to serve as the basis of their deliberations.

3rd. The claim of the Royal free towns to exercise the right of voting at the Diet, and the expediency of extending this constitutional right to the ecclesiastical corporations (chapters of cathedrals) and the free districts.

4th. The co-ordination (*i.e.*, the reform of the corporations) of the Royal free towns; a bill for which object is annexed to the proposition, and submitted to the Diet.

5th. The laws and usages relating to mortgages of manorial estates, for the amendment of which a bill is annexed to the proposition, its chief feature being the introduction of a system of registration (hypothecary registers).

6th. The urbarial laws, (*i.e.*, the laws relating to the lords of manors and their peasant tenantry, with a view of abolishing the robboth (*corvée*); the Dietal Acts 8, 1836, and 7, 1840, which permit this robboth to be commuted into a money rent, or to be redeemed for perpetuity, by mutual agreement of the parties concerned, not having been found effective.

7th. The regulation of the commercial relations of Hungary and Austria in a manner conformable to the interests of both countries; His Majesty being, moreover, of opinion that nothing would be more conducive to these interests than the removal of the intermediate customs line. Such a measure, he states, will require the most mature deliberation, on account of the peculiar circumstances connected with it and the questions it involves, as well as in respect to its bearing on the Austrian States and the Royal revenue. His Majesty therefore wishes the Diet to inquire into the means by which so desirable a result may be obtained, and to submit their views to him as soon as possible; for which purpose His Majesty has been

graciously pleased to order that the official data respecting the trade of Hungary be laid before them.

8th. In this proposition His Majesty states that all the efforts for extending the trade of Hungary having hitherto been unavailing on account of the want of roads and other facilities for the conveyance of merchandize, he has deemed it expedient to form a special section, or board of public work, in the Vice-Regal Council, and has, moreover, assisted by loans of money several private undertakings; as, for instance, the Central Hungarian Railway Company, and the Company for the regulation of the River Theiss. His Majesty, therefore, wishes the Diet to take the important question of public works into their serious consideration, and, among other matters, to direct their attention to the representation (bill) presented by the last Diet, respecting a railway to Fiume, in which neither a satisfactory estimate of the cost, nor the sources from which is to be derived the sum that would probably be required to cover the guarantee of interest to a company, are sufficiently specified.

9th. His Majesty recommends the States (3) to take into their consideration the documents which will be laid before them respecting the re-incorporated Transylvanian counties (4).

10th. His Majesty expresses a hope that the States will resume their labours on the Criminal Code, the Code presented by the last Diet, and for which that drawn up by a Dietal commission appointed for the purpose in the year 1844, served as basis, not being sufficiently complete to receive His Majesty's sanction.

11th. His Majesty requests the payment of 53,828*l.*, advanced by the Royal Treasury for national purposes.

On November 22nd, the debate on the address in answer to the royal propositions, commenced in the Chamber of Delegates [circular sitting (5)]. The Conservative, or so-called Government party, wished to limit the address to the usual expression of thanks. The Opposition, or so-called National party, contended that an allusion ought to be made to the *gravamina*, and especially to the recent nominations of administrators of counties, which they held to be an unconstitutional measure of the most dangerous tendency. Kossuth [pronounced Kosh-shut], delegate of the county of Pesth, who may be regarded as the leader of the Opposition in the Lower House, made a 2 hours' speech on the occasion, which he concluded by reading the draft of an address embodying the sentiments of his party. He was answered by Count Stephen Széchenyi, who, in the present Diet, sits in the Lower House as the delegate of the county of Moson [Wieselburg], and professes at least not to belong to any party. The address which he proposed, after the usual expression of thanks, alluded in general terms to the *gravamina*, with the remark that the Diet would subsequently send up a representation respecting them. He

agreed, however, with Kossuth, that both an account of these *gravamina* and the numerous measures that required to be taken into consideration, His Majesty should be requested to summon a Diet to meet annually in the city of Pesth.

On the 27th, after a 6 days' debate, Kossuth's motion was carried, but only by a single vote (28 to 27), or if only the Comitatal votes be reckoned, and they are practically the only ones taken into account, by a majority of 3; 26 counties voting for the motion, and 23, the delegate of Croatia included, against it.

On December 1st this resolution was confirmed at a Dietal sitting, and the address thus voted sent up to the Magnates. It is worded as follows:

" 1. Your Majesty's faithful States summoned to the present Diet enter with pleasure on the laborious task of legislation, incited by the hope of their efforts leading to a favourable result.

" 2. With pleasure, because this has been the first time for centuries that the Hungarian nation has had the happiness of hearing from the lips of its crowned Sovereign the cherished tones of its native tongue.

" 3. With the hope of their efforts leading to a favourable result, from the consideration of your Majesty having presented the Arch-duke Stephen to the nation, and by this pledge of mutual affection strengthened that tie by which we are indissolubly attached—by law, by interest, and by predilection—to the Imperial dynasty, and through this dynasty to the entire monarchy.

" 4. May your Majesty therefore be graciously pleased to accept the ardent thanks of the nation.

" 5. We also cannot refrain from mentioning that, by the royal propositions read to us on the 11th November, several questions have been submitted to our consideration, the decision of which has long formed one of our most ardent desires. We trust that this may be regarded as a proof that between the nation and its ruler no misunderstanding subsists.

" 6. Having succeeded in responding to the first of the royal propositions in a manner strictly conformable to the interests both of the Government and the nation, there is nothing we more ardently desire than to acquire the conviction that in treating the other questions contained in the propositions, as well as the ulterior measures which the necessities of the country imperatively demand, this fortunate coincidence may not be wanting: that the views of the Monarch and the wishes of the nation may have the same tendency.

" 7: While we, therefore, joyfully embrace this opportunity of conveying to your Majesty the expression of our sincere thanks and our unshaken loyalty, we also regard it as our duty frankly to make

mention of those obstacles, without the removal of which we can perceive no guarantee of the future.

“ 8. The chief obstacle to our social progress consists, in our opinion, in the Dietal Act 10, 1790, not having hitherto been fully realized; for the Government of our country does not yet possess that independence which, according to law, it ought to possess.

“ 9. This obstacle is the more serious on account of the very essential difference that exists in the fundamental principles of our legislative and administrative systems. It is owing to this circumstance that, in considering the questions submitted to us at our Diets and called for by the wants of the age, we cannot calculate with any degree of certainty how far the views of the Government and those of the nation may coincide.

“ 10. Our preliminary and other grievances (*gravamina*) which we have repeatedly laid before the Throne from Diet to Diet, still remain unredressed, which increases the doubt that we must necessarily entertain of the operation even of the most wholesome laws that may be enacted, a doubt which is justified by the fact that the execution and promulgation of our laws is not fully guaranteed. It is thus that the Dietal Act 20, 1836, has not yet been put in execution; and that the Acts on religious affairs and on bills of exchange have not even been promulgated in the districts constituting the military frontiers.

“ 11. To this must be added, that along with a tendency to set aside the influence of the legislature, a tendency to increase the power of the Administration is also clearly apparent. As a proof of what we here advance we may cite those recent measures for reducing into a system the hitherto exceptional employ of county administrators, as well as those respecting the county congregations; measures which are at variance with our Comitatal administration, as established by the Dietal Acts 56, 1723, and 36, 1536.

“ 12. The special cases herein mentioned will serve to give your Majesty a general idea of our present position. We shall hereafter venture to submit our views also respecting the details, with the remark that we regard the removal of these obstacles as an essential condition of the organic reform of our social institutions.

“ 13. We are convinced that the expediency of removing these obstacles and equitably adjusting the conflicting interests they give rise to will not escape your majesty's paternal solicitude, solely directed to the welfare of your people. With this hope we enter willingly into the consideration of the questions contained in the Royal propositions, and which have been called for by the exigences of the nation. We shall also not neglect to lay our grievances before your Majesty in conformity with the Dietal Act 13, 1790.

“ 14. We have no hesitation in stating that we are willing to

pass such measures as may lead to an equitable adjustment of the conflicting interests of Hungary and the hereditary States; the more so as we are convinced that the difficulties in the way of this adjustment do not proceed from the nature of the relations themselves.

"15. Great and arduous is the task of the coming times! It is ours to develop to the utmost extent our social institutions, grounded on constitutional rights, as well as our material resources. It is that of your Majesty to make these coincide with the intellectual development and the material interests of the entire monarchy swayed by your sceptre, in conformity with the principles of justice and the exigences of the age.

"16. Taking into consideration the numerous and important measures that will have to be submitted to us, it appears to us an object of paramount necessity that a Diet should be held annually in the city of Pesth.

"17. We have to beg that your Majesty may be graciously pleased to give the nation the assurance beforehand that its wishes in this respect may be complied with.

"18. We trust that in this manner and with the aid of the infinite goodness of the Almighty, some steps may be taken towards the end we have in view."

The Address voted by the Delegates was read in the Chamber of Magnates on December 4th, and gave rise to a six days' debate. All the amendments proposed by the Conservatives (Government party) having been carried by very considerable majorities. (6.)

On the 13th the Address was sent back to the Delegates with a renuncium, in which the Magnates stated that they would prefer laying before the Throne the simple expression of their thanks without alluding to the *gravamina*, the more so as these *gravamina* would have to be taken into consideration and submitted to His Majesty during the course of the Diet. If, however, the Delegates insisted on alluding to them, they (the Magnates) were of opinion that it ought to be in general terms. That the nomination of administrators was a question in which they would not enter, but were of opinion that until it could be proved that such nomination was an unconstitutional measure, it could not be called a grievance, and ought not to be alluded to. They therefore suggested the propriety of omitting altogether the 8th, 9th, and 11th paragraphs. They further stated, that although they fully agreed with the Delegates on the expediency of holding the Diet in the city of Pesth, the general wish of the nation in this respect had already been laid before the Throne in several Dietal representations; and, without entering into the question of annual Diets, they were of opinion that it would be more appropriate to send up a special representation on the subject, than to

mention it in the address, and for these reasons must also suggest the propriety of omitting the 16th and 17th paragraphs.

On the 15th, 16th, and 17th, a very stormy debate—frequently interrupted by the cheers and clamour of the young men in the galleries—took place in the circular sittings of the Chamber of Delegates, on this renuncium. Very violent language was made use of by several Delegates of the Liberal party. The administrators were compared with the district-captains of Galicia, and stigmatized as the salaried tools of an arbitrary Government, ready, when called upon, to do the same dirty work as their Galician colleagues. To this Somsich, a Government official and Delegate of the county of Baranya, replied, that there was a great difference between the Hungarian administrators and the Galician district-captains, the former being under a constitutional, and the latter under an absolute authority. Kossuth said that as the 2 Houses differed respecting constitutional principles, it would be a mere waste of time to enter into any further discussion on the Address, or to send it back to the Magnates. He therefore moved that it should be deposited or dropped, *i. e.*, that no further notice should be taken of it, adding that they would have an opportunity of expressing their thanks to His Majesty for opening the Diet, &c., in one of the Dietal representations. The Conservative Delegates tried to refute this argument, and one of them even went so far as to say that the Magnates had misunderstood the address, and that he was convinced that on maturer consideration, they would, with a few trifling modifications, agree to it. Kossuth's motion was, however, carried by a majority of 4,—25 counties voting for, and 21 against it; 2 or 3 counties having furnished their Delegates with fresh instructions either to vote for it, or to insist on the paragraph respecting the administrators being retained.

On the 20th, this resolution was confirmed at a Dietal sitting, the personal* striving in vain to persuade the Delegates to rescind it, and send the address to the Magnates, he being persuaded, he said, that the 2 Houses would soon come to an understanding on the subject. However, a nuncium was sent to the Magnates, announcing the fact of the address having been deposited, and stating the motives which had induced the Delegates to have recourse to such a proceeding.

The other proceedings of the Diet (up to the Christmas recess) may be classified as follows:

A. Measures recommended to be taken into consideration in the Royal propositions.

a. The Alimentation of the Troops stationed in Hungary. (2nd R. Proposition.)

* See Remark 2, page 613.

On December 13th, the Delegates sent a nuncium to the Magnates, together with a representation requesting that His Majesty would be pleased to appoint a Royal Commissioner to act with a Dietal Committee to be appointed for the final settlement of this question. On the nuncium and representation being read, the Palatine observed that it was unnecessary to send the latter, a Royal Commissioner being already in Presburg. (7.)

b. Co-ordination of the Royal Free Towns. (3rd and 4th R. Proposition.)

On November 29th, a Committee of Delegates (8) was appointed to draw up a bill on this question, and to make use for this purpose both of the bill annexed to the 2nd Royal Proposition, and of that which gave rise to so much discussion during the last Diet. (9.)

c. The Laws relating to the Mortgages of Manorial Estates. (5th Royal Proposition.)

This question was discussed in the Lower House on December 13th, when it was resolved to appoint a Committee (of Delegates) to draw up a bill that should embrace the question in all its bearings, not only in respect to the mortgage, but also to the tenure of manorial (allodial) estates, with a view of abolishing, or at least of greatly amending the existing law of Aviticity. (10.) The Committee to make use, for this purpose, of the bill annexed to the 5th Royal Proposition, as well as of the report made to the last Diet by the Committee specially appointed to inquire into the laws and usages relating to Aviticity, and propose measures for their amendment and final abolition.

d. Urbarial Laws. (6th Royal Proposition.)

The expediency of amending the existing laws that define the mutual relations of manorial lords and their tenant peasantry, was discussed in the Chamber of Delegates on December 3rd and 6th. All parties agreed that the Roboth ought to be abolished; the Opposition citing the sanguinary acts perpetrated in Galicia, to show what use might be made of a peasantry compelled by law to work for their landlords. The House was also unanimously of opinion that, as the Dietal Acts of 1836 and 1840 had not been effective, a compulsory law ought to be passed by the present Diet. Several Delegates contended that the law ought to be compulsory for both parties; that the peasants should be compelled either to redeem their Roboth for perpetuity, or to commute it into an annual money rent, in the manner specified in the above-mentioned Acts of the Diets of 1836 and 1840; and that the landlords should likewise be compelled to accept this redemption or commutation. It was, however, decided by a majority of 24,—37 counties for, and 13 against—that the law should only be compulsory for the landlords, they being entitled to a full compensation for the loss which, by the change of system, they

would have to sustain. A resolution was also passed to appoint a Committee to draw up a bill on the subject. The question whether this should be a Dietal or a Circular Committee (11), gave rise to an animated debate, which ended by the House deciding, by a majority of 8, in favour of a Dietal Committee. These resolutions were confirmed at a Dietal sitting on December 21st, and a nuncium sent to the Magnates requesting them to agree to the appointment of a Dietal Committee, on the conditions that the contemplated measures should be framed in conformity with the resolutions passed by the Delegates.

B. Measures not mentioned in the Royal Propositions.

a. The late Palatine.

A proposal to found a beneficent institution in commemoration of the late Palatine, the said institution to bear his name, has been unanimously adopted by both houses. They have also unanimously resolved to send a representation to request that, in consideration of the services of the late Palatine, His Majesty may be graciously pleased to make the Archduke Stephen, the present Palatine, a donation of a Crown domain.

b. Croation Affairs.

On November 29, the Delegates appointed a Circular Committee to investigate the causes that have led to the Croation agitation, and collect the necessary data respecting the same, with a view of framing an Act to remedy the evil. There are 12 county Delegates on this Committee; all belong to the Liberal party, Kossuth being the chairman.

c. General Taxation.

On November 29th, Szemere [Sem-er-y], the Delegate of the county of Borsod, one of the most liberal and at the same time most Protestant counties in Hungary, brought the question of general taxation before the Lower House. In conformity with the present system, the county rates (*cassa domestica*) and the war-tax (12) are levied almost exclusively on sessional (peasants') property. The peasants, in fact, have to pay all, or pretty nearly all, the direct taxes; the nobles (13) being totally exempt from direct taxation. Szemere concluded his speech with three proposals in the form of questions, viz.:

1st. Are the nobles willing to pay, conjointly with the non-nobles (peasants), the county rates?

This question was answered in the affirmative by a majority of 17.

2nd. Are the nobles willing to contribute their share to the war-tax?

Negatived by a majority of 15.

3rd. Are the nobles willing to pay a direct tax into a national

treasury, the funds so raised to be applied for objects of national utility, such as the making of roads, &c. ?

Answered in the affirmative by a majority of 44 ; that is to say, almost unanimously.

These resolutions having been confirmed at a Dietal sitting held on December 7th, a nuncium was sent to the Magnates, requesting them to consent to the appointment of a Dietal Committee on the subject, the Delegates assuming that the resolutions they had passed respecting the payment of county rates, and a general tax by the nobles, could not fail of being adopted by the Upper House. They at the same time observed that they were of opinion that it would be advisable to raise the funds for national purposes more by indirect than by direct taxation, the details of which, as well as the most expedient manner of exercising a Dietal control over the administration of the said funds, they would leave to the consideration of the proposed committee. This nuncium has not as yet been discussed by the Magnates ; but they will no doubt consent to the appointment of a mixed committee on the question.

d. Liberty of the Press.

On November 29th, the Delegates appointed a Circular Committee to inquire into the present regulations respecting the press, with a view of abolishing the censorship, which is regarded by the Diet as existing merely *de facto*, but not *de jure*, no Dietal Act having ever been passed for its establishment in Hungary. Szemere and Count Stephen Széchenyi are on this committee, and of the 17 members that compose it, 12 at least are Liberals.

A very animated debate had previously taken place (on November 16th), respecting the establishment of a free Dietal newspaper—that is to say, of a daily paper, in which a full and impartial account of the proceedings of the Diet should be given,—which led to a general discussion on the degree of liberty that, in a constitutional country, ought to be accorded to the press ; the most moderate of the Liberal party admitting that some measures of a repressive nature were essential for its due regulation.

Somsich [Shom-sich], Delegate of the county of Baranya, and a member of the Vice-Regal Council, and consequently in the employ of the Government, spoke against the censorship, which he designated as a system that no longer answered the purpose for which it had been introduced, as a worn-out system, in fact, for which a more rational one ought to be substituted. “I believe, therefore,” he added, “that I am acting in conformity with the views of the Government, when I vote for a repressive law on the press.”

The motion for the establishment of a free Dietal newspaper was carried, although the Conservative, and even several of the Opposition

Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this Article, are those laid down in the map entitled "Map of the United Mexican States, as organized and defined by various Acts of the Congress of said Republic, and constructed according to the best Authorities. Revised edition. Published at New York, in 1847, by J. Disturnell." Of which map a copy is added to this Treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant 1 marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present Article, the 2 Governments shall each appoint a commissioner and a surveyor, who, before the expiration of 1 year from the date of the exchange of ratifications of this Treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this Treaty, and shall have the same force as if it were inserted therein. The 2 Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this Article shall be religiously respected by each of the 2 Republics, and no change shall ever be made therein, except by the express and free consent of both nations,

lawfully given by the general Government of each, in conformity with its own constitution.

VI. The vessels and citizens of The United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the River Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding Article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the River Gila, or upon its right or its left bank, within the space of 1 marine league from either margin of the river, the Governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

VII. The River Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being agreeably to the Vth Article, divided in the middle between the 2 Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favouring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present Article shall not impair the territorial rights of either Republic within its established limits.

VIII. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of The United States, as defined by the present Treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of The United States. But they shall be under the obligation

to make their election within 1 year from the date of the exchange of ratifications of this Treaty ; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of The United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guarantees equally ample as if the same belonged to citizens of The United States.

IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding Article, shall be incorporated into the union of The United States and be admitted at the proper time (to be judged of by the Congress of The United States) to the enjoyment of all the rights of citizens of The United States, according to the principles of the Constitution ; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

X. [Stricken out.]

XI. Considering that a great part of the territories which, by the present Treaty, are to be comprehended for the future within the limits of The United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of The United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of The United States whensoever this may be necessary ; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of The United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the 2 Republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of The United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives

being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of The United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of The United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of The United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said Government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of The United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which The United States have solemnly obliged themselves to restrain.

XII. In consideration of the extension acquired by the boundaries of The United States, as defined in the Vth Article of the present Treaty, the Government of The United States engages to pay to that of the Mexican Republic the sum of 15,000,000 of dollars.

Immediately after this Treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of 3,000,000 of dollars shall be paid to the said Government by that of The United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining 12,000,000 of dollars shall be paid at the same place, and in the same coin, in annual instalments of 3,000,000 of dollars each, together with interest on the same at the rate of 6 per centum per annum. This interest shall begin to run upon the whole sum of 12,000,000 from the day of the ratification of the present Treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of 1 year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

XIII. The United States engage, moreover, to assume and pay to the claimants all the amounts now due to them, and those

hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the Conventions between the 2 Republics, severally concluded on the 11th day of April, 1839, and on the 30th day of January, 1843: so that the Mexican Republic shall be absolutely exempt for the future from all expense whatever on account of the said claims.

XIV. The United States do furthermore discharge the Mexican Republic from all claims of citizens of The United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this Treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the Board of Commissioners provided for in the following Article, and whatever shall be the total amount of those allowed.

XV. The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding Article, and considering them entirely and for ever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of The United States, whose awards shall be final and conclusive; provided, that in deciding upon the validity of each claim, the Board shall be guided and governed by the principles and rules of decision prescribed by the 1st and Vth Articles of the unratified Convention, concluded at the city of Mexico on the 20th day of November, 1843;* and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

If, in the opinion of the said Board of Commissioners, or of the claimants, any books, records, or documents in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of The United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said Board of Commissioners: provided, that no such application shall be made by, or at the instance of, any claimant, until the facts

* See page 580.

which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

XVI. Each of the Contracting Parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

XVII. The Treaty of Amity, Commerce, and Navigation, concluded at the city of Mexico on the 5th day of April, A.D. 1831,* between the United States of America and the United Mexican States, except the Additional Article, and except so far as the stipulations of the said Treaty may be incompatible with any stipulations contained in the present Treaty, is hereby revived for the period of 8 years from the day of the exchange of ratifications of this Treaty, with the same force and virtue as if incorporated therein; it being understood that each of the Contracting Parties reserves to itself the right at any time after the said period of 8 years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

XVIII. All supplies whatever for troops of The United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of The United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of The United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of The United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

XIX. With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of The United States, whether by citizens of either Republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the Custom Houses to the Mexican authorities, as stipulated for in the Article III of this Treaty, shall

* Vol. XIX. Page 238.

be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the Custom Houses, and previously to the 60 days fixed in the following Article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following Article.

3. All merchandise, effects, and property described in the 2 rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property described in the 1st and 2nd Rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of The United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the 1st and 2nd Rules, shall be removed to any place not occupied at the time by the forces of The United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime Custom Houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the 1st and 2nd Rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the Custom House at such port, no person shall be required by the Mexican authorities, whether general or State, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

XX. Through consideration for the interests of commerce generally, it is agreed, that if less than 60 days should elapse between the date of the signature of this Treaty and the restoration of the Custom Houses, conformably with the stipulation in the 3rd Article, in such case all merchandise, effects, and property whatsoever, arriving at the

Mexican ports after the restoration of the said Custom Houses, and previously to the expiration of 60 days after the day of the signature of this Treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such Custom Houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

XXI. If unhappily any disagreement should hereafter arise between the Governments of the 2 Republics, whether with respect to the interpretation of any stipulation in this Treaty, or with respect to any other particular concerning the political or commercial relations of the 2 nations, the said Governments, in the name of those nations, do promise to each other that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the 2 countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

XXII. If (which is not to be expected, and which God forbid!) war should unhappily break out between the 2 Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits; and as closely as possible in all cases where such absolute observance shall be impossible.

1. The merchants of either Republic then residing in the other shall be allowed to remain 12 months (for those dwelling in the interior), and 6 months (for those dwelling at the seaports), to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance: conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation

into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments, for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this Article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in his own service: the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause what-

ever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all Treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this Article. On the contrary, the state of war is precisely that for which it is provided; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

XXIII. This Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its General Congress: and the ratifications shall be exchanged in the city of Washington, or at the seat of Government of Mexico, in 4 months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty of Peace, Friendship, Limits, and Settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the 2nd day of February, in the year of our Lord 1848.

(L.S.) N. P. TRIST.

(L.S.) LUIS G. CUEVAS.

(L.S.) BERNARDO COUTO.

(L.S.) MIGL. ATRISTAIN.

And whereas the said Treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Querétaro on the 30th day of May last, by Ambrose H. Sevier and Nathan Clifford, Commissioners on the part of the Government of The United States, and by Señor Don Louis de la Rosa, Minister of Relations of the Mexican Republic, on the part of that Government:

Now, therefore, be it known, that I, James K. Polk, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every clause and article thereof, may be observed and fulfilled with good faith by The United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of The United States to be affixed.

Done at the City of Washington, this 4th day of July, 1848, and of the Independence of The United States the 73rd.

By the President:
JAMES BUCHANAN.

JAMES K. POLK.

ARTICLES referred to in Article XV of the preceding Treaty.

1st and Vth Articles of the unratified Convention between The United States and the Mexican Republic of November 20, 1843.

ART. I. All claims of citizens of the Mexican Republic against the Government of The United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of The United States against the Government of the Mexican Republic, which for whatever cause were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the Convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to 4 Commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: 2 Commissioners shall be appointed by the President of the Mexican Republic, and the other 2 by the President of The United States, with the approbation and consent of the Senate. The said Commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the Treaties between the 2 Republics.

ART. V. All claims of citizens of The United States against the Government of the Mexican Republic, which were considered by the Commissioners, and referred to the umpire appointed under the Convention of the 11th April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this Convention, on the points submitted to the umpire under the late Convention, and his decision shall be final and conclusive. It is also agreed, that, if the respective Commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

DECREE of the President of Mexico, promulgating the Treaty of Peace, Friendship, Limits, and Settlement, with The United States, of February 2, 1848.—Santiago, May 30, 1848.

(Translation.)

MANUEL DE LA PENA Y PENA, President, *ad interim*, of the Mexican United-States.

Be it known to all, to whom these presents come :

That in the City of Guadalupe Hidalgo there was concluded and signed, on the 2nd day of February of the present year, a Treaty of Peace, Friendship, Limits, and definitive Settlement, between the Mexican Republic and the United States of America, by means of Plenipotentiaries of both Governments duly and respectively empowered for that purpose ; which Treaty, together with its Additional Article, is, in form and tenour as follows :

[Here follows the Treaty, see page 567.]

Having seen and examined the said Treaty, and the modifications made by the Senate of the United States of America, and given an account thereof to the General Congress, conformably to what is provided in the XIVth paragraph of Article CX of the Federal Constitution of these United States, I have thought fit to approve, in all its parts, the said Treaty, and the modifications ; and, in consequence, exercising the powers entrusted to me by the Constitution, I accept, ratify, and confirm the said Treaty, with its modifications, and I promise, in the name of the Mexican Republic, to fulfil and observe it, and cause it to be fulfilled and observed.

Given in the Federal Palace of the City of Santiago de Querétaro, signed by my hand, authorized with the great national seal, and countersigned by the Secretary of State for Home and Foreign Affairs, on the 30th day of May, in the year of the Lord, 1848, and the 28th of the Independence of the Republic.

(L.S.) MANUEL DE LA PENA Y PENA.

LUIS DE LA POESA, *Secretary of State*
for Home and Foreign Affairs.

Therefore, the aforesaid Treaty, together with the modifications thereof, having been equally approved, confirmed, and ratified by his Excellency the President of the United States of America, the previous consent and approbation of the Senate of that Republic having been given in the city of Washington, on the 16th day of March of the present year, 1848, I order that the same be printed, published, and circulated, and duly fulfilled.

Given in the national Palace of Santiago de Querétaro, May 30, 1848.

LUIS DE LA POESA.

MANUEL DE LA PENA Y PENA.

And I forward it to you for your information and the required objects.

God and liberty. — Querétaro, May 30, 1848.

ROSA.

*DISCOURS du Roi des Belges, à l'Ouverture des 2 Chambres.—
Bruxelles, le 26 Juin, 1848.*

MESSIEURS,

JE suis heureux de me retrouver au milieu des Représentants de la Nation. En présence des agitations qui remuent si profondément l'Europe, la Belgique est demeurée calme, confiante et forte. Il me tardait d'exprimer publiquement ce que mon cœur en a ressenti de gratitude et de juste fierté ! Les changements survenus dans l'Etat politique de divers pays n'ont aucunement altéré nos bonnes relations internationales. Nos rapports officiels avec la République Française se trouvent établis dans les termes d'une bienveillance mutuelle. De toutes parts, nous avons reçu des témoignages de sympathie et d'estime.

Des lois importantes ont marqué la dernière session. Le cercle des droits politiques a été considérablement élargi, et la première application de la réforme électorale a prouvé que nous n'avions pas trop présumé de la sagesse de la nation.

L'organisation de la garde civique se poursuit avec activité ; l'excellent esprit des populations en facilite et en assure le succès.

Les circonstances ont imposé au pays des charges extraordinaires. Il en a compris la nécessité et les a courageusement supportées. Au moyen des mesures financières votées dans la dernière session, notre patriotique armée a été maintenue sur un pied défensif respectable ; nous avons alimenté le travail ; le trésor public a pu remplir fidèlement toutes ses obligations ; le fardeau de la dette flottante a cessé de peser sur le crédit. L'avenir récompensera les sacrifices du passé.

Les subsides destinés aux besoins extraordinaires n'ont été votés que jusqu'au 1^{er} Septembre. Mais, grâce à la sage réserve que nous nous sommes imposée dans les dépenses, la création de nouvelles charges ne sera pas nécessaire ; et si des complications imprévues n'y viennent faire obstacle, les crédits votés suffiront pour atteindre la fin de l'année.

Tous nos efforts, Messieurs, doivent tendre à conserver à la Belgique une bonne situation financière. Là réside en grande partie sa force et sa sécurité. Le budget normal des dépenses sera réduit.

Mon Gouvernement est résolu à opérer successivement des économies efficaces.

Plusieurs impôts devront être modifiés dans leur base. Nous ne perdrons pas de vue dans la répartition des charges ce qui est dû de ménagement à ceux dont le travail seul entretient l'existence. Nous continuerons de rechercher avec une sollicitude vraie, toutes les mesures propres à améliorer et à relever la condition des classes laborieuses.

Nous traversons une époque remplie d'épreuves difficiles pour la Société Européenne. La Belgique ne se laissera pas détourner de la voie sage et sûre dans laquelle elle est entrée. Elle a pu, par un heureux accord, concilier la stabilité avec le progrès, l'ordre avec la pratique de toutes les libertés. Pour se maintenir dans cette voie, pour accomplir avec succès sa mission de paix et de travail, il suffit à la nation d'avoir foi en elle-même et de rester unie. Vous, Messieurs, qui êtes l'expression fidèle de ses sentiments et de ses vœux, vous, à qui elle a remis le dépôt de ses plus chers intérêts, vous répondrez dignement à son attente ; vous accorderez au Gouvernement le concours bienveillant dont il a besoin pour remplir sa tâche difficile, et, de nouveau, nos communs efforts auront bien mérité du pays.

DISCOURS du Roi des Pays-Bas, à l'Ouverture de la Session des Etats Généraux.—La Haye, le 16 Octobre, 1848.

NOBLES ET PUISSANTS SEIGNEURS,

Vous approuverez sans doute qu'à l'ouverture de cette session je m'abstienne de suivre l'usage établi de tracer un aperçu, comme introduction à vos travaux législatifs, de la situation du pays et des différents projets de loi qui vous seront présentés.

En effet, la mission de cette assemblée est exceptionnelle et transitoire de sa nature, et ces 2 Chambres des Etats-Généraux seront sous peu remplacées par d'autres Chambres composées et élues d'après les dispositions qui, lors de la révision de la loi-fondamentale accomplie dans la session qui vient de finir, ont été insérées dans cette loi et seront bientôt solennellement promulguées.

Toutefois, en cette occasion, je ne puis m'abstenir, nobles et puissants Seigneurs, de vous exprimer cette conviction que, si l'état général de l'Europe est de nature à faire naître de graves inquiétudes, divers signes favorables se manifestent dans la situation de notre patrie.

Soit que je considère nos relations avec les Puissances Etrangères, soit que je porte mes regards sur nos possessions dans les autres

parties du monde, ou sur les intérêts du commerce, de la navigation, de l'agriculture et des autres branches de l'industrie, à côté de plusieurs symptômes inquiétants je rencontre aussi un grand nombre de motifs de consolation et d'encouragement. J'apprécie surtout, parmi ces derniers, la manière exemplaire dont a été commencée, poursuivie et accomplie la grande et importante œuvre de la révision de la loi fondamentale.

Tandis que tant d'Etats en Europe sont ébranlés jusque dans leur base par de violentes secousses, et que les rues de maintes cités sont teintes du sang des citoyens, notre pays a su se préserver de la fureur des dissensions civiles et des calamités qu'entraînent le désordre et l'anarchie. Bien plus, notre pays a joui de cet avantage que le pouvoir législatif, libre dans son action, avec une entière indépendance et dans la plus parfaite harmonie, là aussi où régnait une différence d'opinions, a accompli paisiblement sa vaste mission qui devait être si décisive pour les destinées du pays.

Au sujet de cette heureuse issue de l'œuvre toujours critique de la révision complète du pacte fondamental d'un Etat, j'ai fait exprimer, lors de la clôture de la dernière session, ma reconnaissance aux 2 Chambres des Etats-Généraux qui ont prêté à cette œuvre leur actif et vigilant concours. Mais pour moi-même et pour cette circonstance solennelle, je me suis réservé de remercier tous mes bien-aimés concitoyens de la modération, de la confiance, du respect pour les lois et l'ordre public, comme aussi de l'attachement à ma personne et à ma dynastie, que pendant la longue période exigée pour l'accomplissement de ces importants travaux législatifs ils ont manifestés sans restriction et avec tant de constance jusqu'à ce jour.

C'est ainsi, nobles et puissants Seigneurs, que notre édifice politique, tout en restant établi sur ses mêmes bases, a vu ses dispositions intérieures modifiées d'après les besoins de l'époque, et coordonnées de manière que les améliorations que l'avenir exigerait, puissent y être introduites sans produire la moindre secousse. Pour entrer dans cette nouvelle période, le concours de vos nobles puissances m'est encore nécessaire, et c'est ce concours qu'avec une pleine confiance je viens invoquer aujourd'hui pour le salut de la patrie.

Pour que la Néerlande prospère dans la nouvelle voie qui lui est ouverte, il faut que chacun de ses habitants ait la conscience intime des saints devoirs qui lui sont imposés, et soit animé de cet amour de la patrie toujours prêt à faire pour elle les plus grands sacrifices.

Le passé me fait nourrir à cet égard, nobles et puissants Seigneurs, le meilleur espoir pour l'avenir.

Si, malgré les efforts tentés pour diminuer les dépenses de l'Etat, les circonstances exigent de nouveaux subsides pour parer aux besoins du moment, je les demanderai avec confiance à vos nobles puissances.

Si de nouveaux temps d'épreuve nous sont encore réservés, je suis

convaincu que chacun, avec l'aide de la Providence, fera de courageux efforts pour les surmonter. Nous saurons détourner du sol de la patrie les troubles, le désordre, les dissensions de quelque nature qu'elles puissent être, et nous transmettrons intact à nos descendants le gage qui nous est confié.

Que le Tout-Puissant bénisse la constance de nos efforts!

*DISCOURS du Roi de Suède, à la Clôture de la Diète.—
Stockholm, le 24 Octobre, 1848.*

MESSIEURS,

L'EPOQUE qui vient de s'écouler depuis l'ouverture de vos délibérations, occupera une place remarquable dans les fastes de l'histoire. La plupart des états de l'Europe ont souffert de violentes commotions, et les questions sociales qui s'agitent entre les Gouvernements et les Peuples, n'atteindront peut-être pas de longtemps encore leur solution définitive. Rendons grâce à la bonté Divine de nous avoir épargné des secousses nuisibles à la tranquillité de l'état comme au bien-être de chaque individu, et réjouissons-nous de la modération et du calme, dont le peuple Suédois a fait preuve au milieu des tempêtes qui ont ébranlé le monde. Ce n'est qu'en persévérant avec la même mesure que nous pouvons espérer de voir réalisés, dans l'intérêt général, nos vœux communs pour l'amélioration de nos institutions.

Ma reconnaissance vous est acquise, Messieurs, pour la noble spontanéité avec laquelle vous vous êtes ralliés à ma décision de concourir au maintien de l'indépendance menacée de nos Voisins et Alliés. Des résultats satisfaisants ont déjà été obtenus, sans que les fonds alloués par vous ayant été épuisés, et nous pouvons envisager l'avenir d'un oeil plus tranquille. Une Convention d'armistice d'une durée assez prolongée a été conclue, sous ma médiation, entre les parties belligérantes, et nous pouvons nous flatter de l'espoir, que la voie est ouverte aux négociations pour amener une paix juste et durable.

Je n'ai cessé de suivre avec un vif intérêt vos délibérations au sujet de notre représentation nationale. L'expérience ayant démontré la difficulté de parvenir à concilier, sans mon intermédiaire, les opinions divergentes, je vous ai présenté un projet, lequel, en admettant une extension considérable du droit électoral, contient, en même temps les garanties nécessaires pour le maintien et le développement régulier de l'ordre social. Je me tiens assuré, Messieurs, qu'animés d'un désir sincère de terminer, d'une manière satisfaisante, cette grave question, vous lui vouerez, lors de votre prochaine réunion, l'attention qu'elle réclame si impérieusement.

C'est avec une vive satisfaction que j'ai appris votre décision d'accorder de nouvelles allocations pour améliorer et multiplier les écoles primaires. Vous avez donné ainsi un témoignage honorable de votre zèle pour l'éducation des générations futures.

Les questions importantes dont vous vous êtes occupés, n'ont point pu obtenir toutes, pendant cette Diète, une solution satisfaisante. Je ne cesserai cependant de les suivre avec un intérêt particulier, et de concourir à faciliter leur décision dans un sens conforme aux intérêts de la nation.

En déclarant maintenant vos travaux terminés, j'appelle sur les Etats Généraux les bénédictions du Ciel, et je vous renouvelle, Messieurs, les assurances de toute ma bienveillance royale.

DISCOURS du Président, à l'Ouverture de la Diète Ordinaire de la Suisse.—Le 3 Juillet, 1848.

MESSIEURS, CHERS ET FIDÈLES CONFÉDÉRÉS !

PEU de jours seulement se sont écoulés depuis la clôture de la Diète de l'année dernière jusqu'à l'ouverture de la Diète de cette année qui nous réunit de nouveau dans cette enceinte à cette heure solennelle. Mais ce court espace de temps ne peut diminuer l'importance de ce jour ni la joie que procure le retour des députés du peuple Suisse des 22 cantons. Aujourd'hui, comme toujours, soyez les bienvenus, et aujourd'hui comme de tout temps recevez, dans le sentiment d'un amour invariable de la patrie, le salut d'amitié et de fraternité fédérales, vraies et sincères.

Nous avons traversé une année importante. En calculant d'après le temps l'espace qui s'est écoulé depuis la dernière réunion de la Diète, il n'y a qu'une année ; mais si l'on tient compte des événements, il y a plus qu'un âge d'homme. Car le changement qui a eu lieu au milieu de nous, changement de la plus haute importance pour la Confédération et son existence ultérieure ; la lutte violente qui peu de temps après a fait le tour chez tous les peuples de l'Europe, et qui, rapide comme l'éclair, a anéanti une dynastie, détruit le système politique qui était en vigueur jusqu'ici, brisé les vieilles entraves qui s'opposaient au progrès, fait tomber en ruine l'antique édifice social longtemps maintenu debout par des moyens artificiels et qui, avec une vitesse qu'on ne pouvait pressentir, a poussé les peuples à la conquête de leur liberté : tels sont, chers confédérés, les faits qui, réunis à bien d'autres encore, se sont passés dans l'espace des 12 derniers mois qui viennent de s'écouler. Ce sont des événements dont on trouvera difficilement le pendant dans l'histoire ; ce sont des change-

ments gigantesques, tels qu'aucune époque n'en a vu de pareils. A ces événements se rattache une nouvelle ère sociale ; ils nous font concevoir le doux espoir d'un avenir heureux et durable pour le bien-être des nations, si l'ordre public et la justice continuent à être leurs gardiens, si elles sont guidées par une volonté honnête et un pouvoir désintéressé. Les maux qui, d'après les lois éternelles de la nature, se manifestent dans tous les enfantements et se sont fait sentir dans cette révolution sociale, disparaîtront, il faut l'espérer, plus tôt que ne le désire la perversité des uns, plus tôt que ne le prédit la folie des autres. L'espèce humaine, il est vrai, peut se tromper, mais elle ne se perd jamais, et la liberté, lorsqu'elle est assise sur des bases solides, cicatrise bientôt les blessures et fait bien vite oublier les peines qu'on a endurées pour la conquérir.

En face de perspectives de cette nature, la Suisse qui possède avec sûreté depuis des siècles ce que d'autres peuples cherchent maintenant seulement à conquérir, peut contempler avec joie le passé et porter avec assurance ses regards sur l'avenir. Elle doit saluer avec sincérité les événements qui la rapprochent encore davantage des nations avec lesquelles elle a entretenu jusqu'ici des relations d'amitié. Elevés par nos propres forces et renforcés de nouveau par la conscience de nos droits, en possession paisible des biens que nous avons hérités de nos pères, nous sommes aujourd'hui réconciliés et heureux, sans réminiscence d'une querelle qui a été bien vite oubliée. Il est vrai qu'il nous reste encore des vœux à faire et des espérances à concevoir ; mais ils ne sont pas de nature à exciter en nous la jalousie ou l'envie envers d'autres nations ; car la réalisation de nos modestes vœux, de nos espérances sans prétention, dépend uniquement de nous. Ce qui nous manque ne peut nous être apporté de l'étranger ; il faut que nous l'obtenions chez nous, au milieu de nous, par notre propre volonté et notre propre action. Nous atteindrons sûrement ce but si, vis-à-vis de l'étranger, nous demeurons, quant à l'action, dans une stricte impartialité au milieu des efforts que font les peuples ; si de fait nous ne les favorisons ni ne les entravons et que nous exigeons la même impartialité pour nos affaires intérieures, si nous repoussons décidément et avec tout le poids de notre force morale et physique tout empiètement arbitraire sur notre territoire. A l'intérieur, si fidèles à notre origine, nous suivons avec loyauté et unis par les liens d'une concorde fraternelle la voie que nous nous sommes frayée et que nous avons déjà parcourue avec tant de bonheur. L'appréciation équitable et la réalisation consciencieuse de ces principes sont une garantie pour le bonheur durable de la Suisse, c'est à dire pour son indépendance vis-à-vis de l'étranger, pour sa liberté et son union à l'intérieur. La Suisse a son histoire à elle ; elle ne doit, elle ne peut fermer l'oreille aux enseignements qu'elle lui donne. Nous n'avons aucun droit ni aucun sujet quelconque de l'oublier. Sous ce rapport,

comme sous bien d'autres, la nation Suisse occupe une place unique dans le monde et ce n'est certes pas un de ses derniers avantages. Si nous restons fidèles à nous-mêmes, nous ne nous précipiterons pas au-delà du but assigné à nos propres efforts et nous ne nous égarerons jamais dans ce labyrinthe dans lequel se montrent des ténèbres qui entravent le progrès, ou dans de fausses voies qui conduisent à une perte inévitable. La Suisse doit continuer à progresser et à se développer ultérieurement ; c'est un besoin dont nous tous nous sentons la nécessité ; c'est un sentiment qui vit dans la conscience de chacun et de tous. Mais ce que nous devons éviter, c'est de nous exposer au péril, sciemment ou à notre insu ; que cet avertissement soit profondément gravé dans notre esprit.

L'œuvre terminée par la Diète récemment dissoute attend la reconnaissance et l'approbation du peuple Suisse. Cette œuvre nous fournira l'occasion de nous rendre compte à nous-mêmes si nous nous sommes bien compris réciproquement, si nous avons le même but en vue, ou bien si nous voulons nous diviser et nous rendre impuissants par cette division.

Je ne puis dissimuler que la voie est difficile, car ce n'est pas une tâche facile pour l'homme que de mettre des bornes à ses vœux et à ses opinions, de les sacrifier sans contrainte aux vœux et aux opinions des autres. Mais néanmoins aucune œuvre de concorde et de progrès organique ne peut prospérer sans cette déférence au bien public. L'atonie politique seule ou l'orgueil despotique peut se passer de cette déférence ; or la Suisse repousse l'atonie politique et le despotisme, car il est étranger à l'une comme à l'autre. Notre seul guide est le besoin de la concorde, besoin aussi vieux que notre histoire et aussi fort que l'amour que nous portons à la patrie. L'histoire de notre origine et de notre développement comme nation l'a déjà prouvé souvent d'une manière suffisante ; la dernière page de cette histoire vient encore de le buriner en traits indélébiles. Nous ne pouvons, nous ne voulons pas rompre désormais avec ce qui s'est confirmé dans les anciens jours et avec les événements qui se sont passés récemment. Il serait téméraire d'y songer. La Suisse entière protesterait contre cette audace.

C'est pourquoi, lors même que quelques-uns cherchent à faire prévaloir leurs propres vœux et leurs opinions particulières, lors même qu'il y a des citoyens qui refusent à la nouvelle constitution leur adhésion, et quant à la forme et quant au fond, d'autres qui la repoussent parce qu'elle promet trop aux uns et trop peu aux autres, nous avons néanmoins la conviction que la généralité, comme telle, ne prêterait pas l'oreille à des insinuations de cette nature, insinuations qui l'empêcheraient d'examiner mûrement cette œuvre et de l'apprécier sous toutes ses faces.

Nous dépasserions évidemment les bornes de la vérité, si nous

soutenions que le projet de constitution satisfait réellement tous les vœux et toutes les demandes que peuvent faire avec plus ou moins de raison 25 populations séparées les unes des autres d'après leur organisme intérieur et leurs besoins individuels. Nous sommes bien loin de le prétendre et nous sommes tout aussi loin d'espérer qu'elle recevra généralement la reconnaissance d'une population qui compte plus de 2,000,000 de citoyens dont les opinions sont si divergentes. Cela n'est pas possible. En revanche, ce qui est garanti par la nouvelle constitution mise en perspective et ce qui peut être accordé sans léser les uns comme sans faire peser une contrainte despotique sur les autres, c'est qu'elle laisse réellement et non seulement d'après son nom, subsister chaque canton faisant partie de l'alliance fédérale, et conserve à son profit ce qui, lui étant élevé, l'affaiblirait sans augmenter la force de la Confédération. Elle donne à la Confédération la force nécessaire pour prévenir toute décadence future sans cependant anéantir la souveraineté cantonale dont l'action s'exercera à l'intérieur, souveraineté sans laquelle la Confédération ne serait qu'une chimère ; elle ne restreint pas les Cantons au point de les réduire à l'inaction ; en un mot, elle forme une unité de tous les éléments divers qui la composent et les laisse en même temps subsister dans leur individualité propre d'une manière qui, d'après la conviction intime de ceux qui ont été appelés à coopérer à la construction de cet édifice social, répond à l'essence de la Confédération formée d'Etats souverains, en tenant compte de l'origine et du développement historiques, tant de la Confédération même que des Cantons et de la grande diversité qui y règne, circonstances qui méritent d'être appréciées à leur juste valeur. Frayant et aplanissant la voie partout où le besoin l'exigeait, où la possibilité le permettait, créant tout à neuf et opérant des changements partout où le passé le demandait et où l'avenir pouvait le désirer, la nouvelle constitution laisse néanmoins exister la souveraineté cantonale avec tous ses éléments de vie et en même temps elle remet entre les mains de la Confédération les moyens nécessaires sans lesquels on ne pourrait atteindre à une unité forte, sans lesquels il serait impossible de donner le jour à un être vivant de sa propre vie ; l'un dévorerait l'autre ou s'étiolerait jusqu'à son dépérissement complet.

On se disputera sans doute en théorie sur la question de savoir si l'autorité préconsultative a bien fait d'avoir égard au présent, dans son développement historique, sans méconnaître en même temps les droits de l'avenir, ou bien s'il vaut mieux chercher son nouveau salut dans le renversement subit de la constitution fondamentale actuelle. Or le point de vue politique et pratique, ainsi que l'expérience acquise par les leçons de l'histoire, se prononce d'une manière absolue contre cette dernière alternative et nous engage d'une manière tout aussi

précise à suivre la direction opposée. Mais à peine avons-nous besoin de ces enseignements. La conviction que nous avons de la haute importance d'une unité forte, conviction qui a été renouvelée en nous, est trop générale, notre ancien attachement à notre état particulier qui a traversé les siècles, est encore trop vivace pour que nous puissions nous écarter de la véritable voie. Conservons cette conviction et cet attachement ; ils nous maintiendront sur le bon chemin. Nous parviendrons assurément au but si nous sommes justes envers nous-mêmes, justes les uns envers les autres, si chacun n'exige rien de trop et n'offre rien de trop peu ; en un mot si nous manifestons sérieusement la volonté de donner une plus grande force à l'antique Confédération. N'hésitons pas à exprimer ce que nous sentons tous, les choses sur lesquelles nous sommes tous d'accord, et avec nous, sans doute, toutes les nations amies de la Suisse. Dans cette enceinte sacrée j'engage tous les confédérés à bannir toute illusion, à s'abstenir de toute demande exagérée, de toute opposition inopportune, et à réfléchir que nous ne pouvons reculer couverts de honte, ni marcher témérairement en avant, mais que nous devons nous tenir strictement collés à ce qui, après des désirs longtemps manifestés et des peines nombreuses, peut être réellement mis à exécution.

Nos efforts doivent toujours tendre vers les biens les plus élevés et la plus grande perfection, mais il ne faut pas que nous les cherchions en dehors des limites du possible, que nous aspirions témérairement à un but que nous ne pouvons atteindre et que nous perdions des choses qui nous paraissent moins parfaites, mais que cependant nous pouvons obtenir. Lors même que ce danger nous paraîtrait pour le moment imaginaire, nous ne pouvons néanmoins oublier les leçons que nous a données le passé ni les dangers que pourrait nous apporter l'avenir. Car quoique bien des choses se soient présentées récemment sous un aspect plus favorable, les inquiétudes ne sont cependant pas dissipées pour toujours. L'orage, quoique ce ne soit pas d'une manière immédiate, est encore suspendu sur nos têtes et se traîne à l'horizon politique, et peut-être non seulement il se condensera, mais il pourrait encore nous atteindre. Nous admettons des possibilités, car nous savons que celui-là seul peut éviter à temps le danger qui suit l'apercevoir de près. La Suisse doit s'approprier sans crainte cette mesure de sûreté. Mais il faut aussi qu'elle sache que nous ne serons forts et que nous ne pourrons résister aux orages et aux tempêtes que lorsque nous nous serons frayé à nous mêmes une voie nette et que nous aurons réglé en bons pères de famille nos affaires intérieures ; lorsqu'aucun acte rétrograde, aucune mésintelligence ne viendront briser notre volonté générale, notre force commune. Nous parviendrons à ce but si, par une entente fraternelle, nous adoptons la nouvelle constitution pour loi fondamentale ; c'est à ce but que nous

devons parvenir si, contre toute attente, nous ne voulons être en proie à toutes les vicissitudes de l'avenir.

C'est pourquoi, chers confédérés, prenons courage, jetons rapidement un pont sur l'ancien rivage pendant qu'il est encore affermi. Ce pont sera assez fort pour nous conduire à une vie plus robuste, à une union plus forte et à un nouveau progrès. Sur le terrain aplani de cette constitution fédérale, sous l'égide tutélaire des institutions améliorées qu'elle engendrera, nous pourrons en toute confiance marcher en avant et laisser passer sans crainte sur nos têtes les orages qui pourront éclater. Je n'ai vraiment pas le courage de songer au sort qui nous serait réservé si nous ne tenions pas compte des sérieux enseignements de l'époque actuelle, après que nous avons abattu jusque dans ses fondements l'édifice antique et d'ailleurs vermoulu de nos institutions fédérales et que nous avons généralement reconnu et exprimé le besoin d'en créer de nouvelles.

Je puis me dispenser de scruter l'avenir, lorsque je considère l'esprit sain et vigoureux du peuple Suisse. J'aime mieux porter mes regards sur nos alpes verdoyantes, sur nos riches vallées où règnent aujourd'hui, comme toujours, l'industrie, l'activité habituelles, ces compagnes nécessaires de notre bien-être national, qui sont des sources naturelles auxquelles nous allons puiser. Cet aspect réjouissant est d'autant plus sublime qu'ici nous n'avons pas à combattre les êtres monstrueux qui exercent presque partout leurs ravages. La Suisse, au milieu de l'anarchie qui règne presque partout, jouit du bonheur digne d'envie de figurer parmi le petit nombre de pays où n'ont pu pénétrer ni cette maladie ni les suites qui l'accompagnent et qui sont tout aussi dangereuses. La Suisse, plus Suisse aujourd'hui qu'elle ne l'a été longtemps auparavant, présente à coup sûr un spectacle réjouissant, même dans l'imperfection de son état social.

A l'étranger, nos relations de droit public avec les nations n'ont éprouvé aucune espèce d'interruption dans ces derniers temps; à l'intérieur, l'ordre, le droit et la loi règnent dans toute leur antique vigueur et protègent l'homme libre ainsi que la famille. L'agriculture, l'éducation du bétail, l'exploitation de nos alpes, ces éléments principaux de notre bien-être matériel, n'ont pas cessé d'être florissantes. L'industrie, le commerce et la circulation n'ont pas éprouvé non plus de contre-coup d'une nature générale et dangereuse. Là où la stagnation s'est fait sentir, c'est à la suite de mesures prises par l'étranger et devenues indispensables dans les relations que la circulation entre les peuples civilisés rend nécessaires.

Notre état financier, sans être bien riche et surabondant, est cependant convenablement régularisé, et avec une sage économie, nos finances suffiront à couvrir tous nos besoins. Nos écoles et tous nos établissements d'instruction publique continuent à être florissants.

Le manque de travail ou plutôt la dégénération de l'amour du travail qui est généralement nécessaire à l'homme, n'a pas provoqué chez nous des mesures extraordinaires d'une nature permanente; au contraire, sous ce rapport ont pu suffire les sources régulières que présentent les besoins ordinaires et la protection des lois de police habituelle qui leur prêtent leur appui.

Les sacrifices qu'ont exigés nécessairement des uns et des autres nos derniers efforts pour dompter les éléments hostiles à notre commune patrie n'ont nullement excédé la mesure de nos forces, nulle part ils n'ont laissé des traces indélébiles de dévastation. Il est vrai que nous avons à déplorer la perte de plusieurs de nos fils et de nos frères; mais comme le Suisse fait volontiers le sacrifice de sa vie pour le bien de la patrie; comme les survivants se sont chargés bénévolement et avec amour des veuves, des orphelins et des blessés, le souvenir de ces événements n'est pas de nature non plus à couvrir de deuil l'image rassérénée de la patrie commune.

Malgré les imperfections et les défauts de l'ancien pacte, malgré les ébranlements et les changements auxquels nous avons assisté de loin ou de près, la situation de la patrie commune ne présente pas un sombre spectacle; il est au contraire bien plus réjouissant que celui que nous offrent la plupart des Etats de l'Europe; si déjà maintenant nous pouvons nous applaudir de cet état de choses, à quelle douce attente ne pouvons-nous pas nous livrer pour l'avenir, quel agréable espoir ne pouvons-nous pas concevoir, lorsque de toutes parts l'ordre légal, la tranquillité seront rétablis en Europe et que la nouvelle constitution qui nous offre un terrain si fertile pour tout progrès et pour le bien-être général matériel et politique du peuple Suisse sera introduite dans notre patrie. Mon dernier vœu, qui est aussi le vôtre, c'est que ces espérances se réalisent bientôt et qu'elles fondent d'une manière durable le bonheur de la patrie commune, pour notre salut et celui de nos descendants.

Avec cet espoir nous prendrons congé du passé et nous nous avancerons dans l'avenir, dont l'aurore nous apparaît sous des couleurs si riantes.

Nourrissant cet espoir, je déclare ouverte la session ordinaire de l'année 1848.

Je vous invite, chers, fidèles Confédérés à confirmer encore une fois l'ancien pacte fédéral par notre serment.

SPEECH of the Hospodar of Wallachia, on the Opening of the General Assembly.—Bucharest, January 29, 1848.

MESSIEURS LES DEPUTES DE L'ASSEMBLEE GENERALE,

EN vous revoyant réunis autour de moi, j'éprouve la satisfaction que donnent une confiance mutuelle et des services communs rendus à la patrie.

Vos travaux de la session dernière, qui sera consignée avec honneur dans nos annales, ont déjà porté une grande partie de leurs fruit.

Dix mille familles dont vous avez brisé les fers bénissent votre nom, en goûtant les bienfaits de la liberté, et leur faible tribut ajoute chaque jour au nombre des affranchis. C'est sans doute un grand sujet de bonheur pour nous tous de pouvoir penser que dans peu d'années la terre Valaque ne nourrira plus que des hommes libres.

L'instruction publique, en ce qui concerne les écoles primaires et élémentaires dans nos villes et communes, a déjà reçu toutes les améliorations qu'elle réclamait. J'ai tout lieu d'espérer que bientôt je serai parvenu à surmonter aussi les difficultés que présente l'organisation de l'enseignement supérieur, afin que nos fils ne soient plus obligés de s'expatrier à un âge où les souvenirs du sol natal, trop faibles encore, finissent par s'effacer, pour faire place à des impressions qui les rendent ordinairement étrangers parmi les leurs et aux affaires de leur pays.

La loi que vous avez votée sur l'amélioration du sort du petit clergé, et sur la régularisation des revenus de la métropole et des évêchés, a reçu en partie son exécution. Nous pouvons espérer que ces dispositions salutaires recevront, dans le courant de cette année, leur entière application.

La réunion de nos douanes avec celles de la Moldavie a levé les entraves qui empêchaient, au détriment des 2 pays, le libre échange de leurs produits, en même tems qu'elle a apporté une augmentation à nos revenus. Le prix obtenu aux dernières enchères effectuée dans la capitale de la Moldavie, a dépassé, pour la part qui nous revient dans le produit de cette ferme, celui obtenu les années précédentes, non obstant la réserve faite à l'égard de l'exportation du bétail.

Les sommes que vous avez allouées pour faire remplacer par un système régulier et économique le mode vicieux qu'on suit dans l'exploitation de nos salines, sont destinées à nous réaliser des bénéfices considérables.

Les travaux qui y ont été exécutés dans le courant de l'année qui vient de finir, ont dépassé toutes nos espérances; ils nous donnent la certitude que bien avant la fin du dernier contrat de ferme. Nous aurons obtenu le double but d'un système d'exploitation mieux entendu et combiné avec les améliorations que les devoirs de l'humanité

réclamaient depuis long-temps en faveur des grands coupables condamnés aux travaux forcés.

La partie judiciaire a aussi reçu de notables améliorations par le frein que vous avez mis à l'esprit de chicane, en statuant des frais légers, il est vrai, mais suffisants pour prévenir bien des poursuites injustes, et par la stabilité que vous avez assurée à la propriété, en soumettant la possession immobilière aux règles de la prescription. A la suite de ces sages dispositions les procès ont diminué dans une proportion considérable ; sur 18,000 affaires pendantes au commencement de l'année dernière, il n'en reste plus que 4000.

Voilà, Messieurs, les résultats d'une seule session. Ils sont bien glorieux pour vous, et ils donnent la mesure de ce que peut l'harmonie entre le Gouvernement et l'Assemblée.

Au milieu de la joie générale et des espérances que vos travaux avaient laissées dans tous les cœurs, une grande calamité est venu nous frapper, en réduisant en cendres la partie la plus populeuse et la plus riche de notre capitale. Le Gouvernement a eu de pénibles devoirs à remplir dans cet affreux malheur, et j'ai la consolation de pouvoir penser qu'il s'en est acquitté ainsi qu'il le devait. Je ne doute pas qu'il n'obtienne aussi votre approbation en ce qui concerne les secours que les caisses publiques sont venus ajouter à ceux offerts par la charité privée dont le zèle s'est élevé au dessus de tout éloge. Les Hautes Cours Suzeraine et Protectrice nous ont donné en cette circonstance des preuves touchantes de leur constante sollicitude et de leur inépuisable générosité, qui ont pénétré nos cœurs de la plus vive reconnaissance. Sa Majesté l'Empereur de Russie a en outre autorisé qu'une souscription fût ouverte dans l'intérieur de son Empire, dont le produit a soulagé et soulage encore bien des infortunés. Il fallait de promptes mesures pour faire tourner cette catastrophe au profit de la prospérité future de la ville ; bien des difficultés s'opposaient à leur exécution ; grâce néanmoins à la bonne volonté de ses bons habitants, elles ont été applanies, et nous pouvons avoir le doux espoir que le nouvel aspect que présentera bientôt notre capitale finira par effacer les regrets du passé. Il m'est impossible, Messieurs, de me rappeler ce désastre sans éprouver, parmi la terreur que ce souvenir réveille dans mon âme, un sentiment de vive émotion et d'orgueil national, en pensant au courage des victimes et à l'empressement que tous ont mis, le lendemain même du sinistre, à remplir leurs engagements. Le bon ordre n'a pas été troublé un seul instant et notre crédit, sorti victorieux de cette terrible crise, que devoit bientôt aggraver le gêne survenu à l'étranger, est aujourd'hui mieux assis que jamais, grâce à l'activité et à la fidélité de nos commerçans.

Notre finance est sans doute loin d'être en rapport avec les besoins qui se développent chaque jour ; cependant, par suite de la règle que je me suis imposée dès le principe de ne jamais dépasser les

ressources disponibles, elle peut être considérée comme en très bon état. Aucune de nos caisses publiques n'offre de déficit et la plupart même possèdent un excédant comme vous aurez lieu de vous convaincre par les comptes qui seront soumis à votre contrôle.

Je vous avais promis au commencement de l'année dernière, le pont sur l'Olto, des aqueducs pour notre Capitale, et l'ouverture à travers les Carpathes de la route à Kinnéni. Vous savez que ces promesses ont été accomplies de manière à laisser à ceux qui viendront après nous de véritables monumens du zèle et du talent de ceux qui m'ont aidé dans leur exécution. Plusieurs autres travaux importants, tendant à faciliter nos communications et à nous ouvrir de nouvelles sources de prospérité, ont été entrepris sur différents points de la Principauté, et ils seront poursuivis, dès le retour de la belle saison, avec la nouvelle ardeur que donnent le succès et l'expérience.

Si à côté de ce tableau succinct de ce qui a été fait dans l'espace d'une seule année, nous considérons l'état de calme, de sécurité et de bien-être dont jouit notre pays nous ne pouvons que nous féliciter et en tirer le plus heureux présage pour son avenir; mais à la condition que nous ne nous arrêterons pas; les tems d'arrêt sont de tems de mort pour les peuples qui reviennent à la vie.

Nous sommes, Messieurs, dans la bonne voie; continuons à nous donner la main; nos efforts réunis ne sauraient être de trop pour vaincre les obstacles qui encombrent la route de la civilisation. La patrie vous en sera reconnaissante.

CORRESPONDENCE respecting the Affairs of Hungary.—
1847, 1848.*

No. 2.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 26.)

MY LORD,

Vienna, November 20, 1847.

I HAVE the honour to transmit herewith the copy of the propositions submitted by His Imperial Majesty to the Hungarian Diet, as it appeared in the Vienna Gazette of to-day. I enclose them in translation.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Propositions submitted to the Hungarian Diet.

(Translation.)

Presburg, November 11, 1847.

IN the name of His Imperial and Royal Majesty our gracious ruler, the following propositions are communicated to the Imperial Archduke and the honourable members, who have been summoned

* Laid before Parliament, with subsequent Papers, 1850.

for the present Diet by His Imperial Majesty. His Imperial Majesty, in accordance with the desire he has ever felt since his accession to the Throne, that the welfare and prosperity of Hungary and of the dominions incorporated in it might gain ground, partly through the strict observance of existing laws, partly by the creation of new ones, has been pleased to summon together the above-mentioned Members of the Diet, and graciously expresses the following wishes:

I. That inasmuch as the post of Palatine has become vacant by the decease of His Imperial Highness the Archduke Joseph, the honourable Members of the Diet should proceed to the election of a Palatine, who, after he has been duly elected, and shall have taken the customary oaths, will be confirmed by His Imperial Majesty in his office, &c.

II. With regard to the maintenance and quartering of the army, the definitive adoption of the propositions and military regulations mentioned in the Imperial address of November 10, 1844, and herewith submitted to the Diet, shall be taken into consideration, and the result made known as soon as possible to His Imperial Majesty.

III. Since, in consideration of the position allotted to the royal free cities by the Diet, the abolition of those fundamental disabilities mentioned in the 3rd section of the propositions made at the last Diet ought not to be any longer deferred, His Imperial Majesty thinks fit to call upon the honourable Members of the Diet again, in order that as regards the right of voting properly belonging to the royal free and mining cities, measures may be taken in accordance with the above-mentioned royal wishes, and that the proper increase of constitutional rights may be likewise extended to the power of voting enjoyed by the ecclesiastical body and the free districts.

IV. His Imperial Majesty has, in his fatherly care for the reasonable and due advancement of the royal free cities, and in consideration of the prayers of the citizens that a constitutional establishment of the free and mining cities may be effected as soon as possible, determined to submit the accompanying proposal with this view to the honourable Members, in order that the deliberation of the Diet upon this most important subject may be hastened, and the object proposed attained as soon as possible.

V. For the security of the possession of property in land, and in the interest of the private credit which actually depends upon this, it is necessary that the laws concerning the purchase and transfer of land should be carefully altered; that the mode of carrying on law-suits with reference to this should likewise be clearly laid down; that land-registration books should be introduced; and that courts of law should be established for the maintenance of these regulations in each comitat.

To promote this object His Imperial Majesty communicates to the honourable Members the accompanying propositions for their consideration, and refers them at the same time to the 6th section of the Royal Propositions at the last Diet.

VI. The permission for those persons who are subject to the laws of "Roboth," to buy themselves free for ever, has been, it is true, declared by law; but the carrying out of this is connected with many difficulties. In order, therefore, to render the attainment of the object of this legal declaration more easy, His Imperial Majesty wishes the honourable Members, in the course of the assembly of this very Diet, to submit to his gracious approval a proposition for a law so that the assigned object may be obtained after setting aside all the obstacles arising from the present state of the law, always in consideration of what is reasonable and with due regard to the rights of property.

VII. With regard to the prosperity of commerce and manufacture in the interior, His Imperial Majesty has no more ardent desire than that the existing commercial relations between Hungary and Austria should be arranged for the reciprocal profit of both, and that commerce should likewise be extricated from the present existing impediments caused by imperious necessity alone.

For the attainment of this object His Imperial Majesty has no better plan to propose than the abolition of the Custom-house barriers between Hungary and the other Austrian States. But the adoption of this measure requires on the one hand the constitutional co-operation of the Diet, on account of the circumstances connected with it, and, on the other hand, it demands the most careful and deliberate consideration, on account of the considerable reaction which it will produce upon the present condition of the Austrian hereditary States, and the revenue of the State. His Imperial Majesty has consequently thought fit to call on the honourable Members to deliberate carefully upon the best means for attaining this object, and to submit the result of their deliberations as soon as possible to him, in order that His Imperial Majesty (who has already directed that the existing official reports upon the Hungarian commerce should be communicated to the honourable Members) may at an early period be able to make the necessary regulations respecting the further means of assistance which may be suggested in the progress of the deliberations; so that after every possible light has been thrown on the subject, he may be able to obtain laws which will meet the mutual interests of all, and to make the necessary dispositions.

VIII. Since all endeavours to improve the trade of the country, however praiseworthy they may be, must remain without result, owing to the want of proper means of communication in the country, His Imperial Majesty in order to prepare and facilitate the solution of the

present question by first establishing the data and the preparatory steps, has been pleased to form the Imperial Stathaltery, a department for consideration of the means of communication. His Imperial Majesty has also resolved to afford considerable assistance to the principal private undertakings, and especially to the construction of the central line of railroad, and to encourage the patriotic endeavours of the company formed for the regulation of the River Theiss.

His Imperial Majesty has hereby given fresh proofs of his paternal desire to improve the material interests of the country, and calls upon the States, in reference to the scarcity which in past years occurred in several parts of the kingdom, also in consequence of the defective means of communication, to resume the deliberations begun in the last Diet relative to the means of meeting the general necessities of the country, and to ensure not only the advantageous result of the undertaking for the regulation of the Theiss, which is so important a point in the national economy of the country, but also to further the other means of communication in regard to which, be it observed, that in as far as relates to the charter and guarantee of the Fiume railroad, neither the expense of its construction, nor of the previous works, nor the means of covering the interest thereof, were pointed out in the propositions of the last Diet. Moreover, as the said Communication Department has already been informed how far the States are in this instance to refer to the President, in order to submit to him the data and preparatory labours now collected together, His Majesty calls upon them to work out the propositions in such a manner that they may at the same time include the foundation of a national fund, already recognized as necessary by Article XXX, 1802, and also the way and manner of its establishment.

IX. His Imperial Majesty lays before the States in the annexed propositions the result of the previous operations and negotiations which must necessarily precede the execution of Article XXXI of 1836, with the request that whereas, besides the circumstances which impede the carrying into execution of Article XXXI of the law, the petition of the States of Transylvania to be admitted to a further union with Hungary, so often and so recently presented to His Imperial Majesty, supported by the weight of the judicial authorities, who are concerned therein, claim in the highest degree the attention of the legislature, the States will take into due consideration all the circumstances which appertain to the subject.

X. That which His Majesty suggested to the States in the Royal Propositions of the year 1844, namely, that they should draw up the project of a law, based upon the proceedings of the Commission named according to Article V, 1840, for the purpose of framing a code of criminal law and a system of improvement, has now become a still more urgent necessity. His Imperial Majesty can come to no

satisfactory conclusion relative to the representation of the Diet upon the system of prison discipline, till the States have come to an agreement respecting the mode of punishment, and the question of who shall exercise the criminal jurisdiction. His Majesty hopes that the States will not delay to lay before him the first and second parts of the Penal Code.

XI. Whereas the Royal Treasury, burdened with so many expenses of the State, cannot spare the sums amounting to 528,566 fl. C M., and 24,313 fl. W. W., which were advanced by the Treasury in consequence of the exhaustion of the national funds, at the intercession of His Imperial Highness the late Archduke Palatine, His Majesty wishes that in compliance with Article VIII of the Royal Propositions of the year 1843, the States would take measures for the speedy repayment of the said sums to the Treasury.

This is what His Majesty deigns to submit to the States, in expectation that the Diet will provide for the maintenance of due order and moderation, and for the insurance of the freedom of speech and opinion from all external influence, and from such lamentable manifestations as took place during the last Diet. His Majesty has moreover but to assure the Diet of his gracious favour.

EDUARD VON ZSEDENYI.

No. 3.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. Jan. 27.)
MY LORD, *Vienna, January 19, 1848.*

I HAVE the honour to transmit to your Lordship 2 despatches which I have received from Mr. Blackwell, inclosing his report on the proceedings of the Hungarian Diet at Presburg.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure 1.*)—*Mr. Blackwell to Viscount Ponsonby.*
(Extract.) *Presburg, December 22, 1847.*

I HAVE the honour to transmit to your Excellency a summary of the proceedings of the Diet.

The principal question under discussion has been the address.

In the address voted by the Delegates, paragraphs 1 to 6 inclusive convey the customary expression of thanks, and were passed unanimously by both Houses.

In sections 16 and 17, His Majesty is requested to summon a Diet annually in Pesth. If the Delegates had merely requested that the Diets might in future be held at Pesth, these paragraphs would also have been unanimously adopted; but the word "annually" precluded the Magnates of the Government party from assenting to the proposal, although several of them are fully convinced that the summoning of an annual Diet is a measure imperatively required, and

which cannot be much longer delayed. I may here remark, that the last Diet passed a bill, or, more properly speaking, a resolution, for the erection of a Dietal Palace in Pesth, and published a prospectus, in several languages, offering a prize for the best plan, &c. A few days ago I was surprised to find no less than 40, sent from all parts of Europe, 3 of them from England. These plans will be submitted to a Dietal Committee, and a representation no doubt sent to His Majesty on the subject.

The 14th section expresses, in answer to the 7th Royal Proposition, the willingness of the Diet to pass measures "for adjusting the conflicting interests of Hungary and Austria," a somewhat vague phrase, inserted probably to meet the views of all parties. The contemplated removal of the intermediate customs line is, however, a measure that will encounter the most violent opposition. The Liberal party regard this line as one of the safeguards of Hungarian nationality. Hence, a question that is apparently a purely commercial one, assumes, like every other question in this country, a political tendency. The line forms a barrier, though a commercial one, between Hungary and Austria. This, irrespective of its commercial advantages or disadvantages, is quite sufficient for it to find favour with the Hungarian Liberals, who declare that, if it were possible, they would convert it into a wall of brass. In a commercial point of view, the removal of the intermediate line would unquestionably be advantageous to Hungary; but unless the Austrian Tariff be at the same time rendered much less prohibitory, the measure would be a further impediment to Hungary entering into commercial relations with foreign States; whereas if the line were kept up, as the Liberal party in Hungary wish it to be, and the Diet allowed to exercise its acknowledged constitutional right to regulate the Hungarian customs duties, there would be a much greater prospect of a fresh market being opened for British manufactures.

Paragraphs 7 to 13 relate to the so-called grievances of the nation. It was these paragraphs, especially the 11th, which furnished the principal topic of discussion in the 2 Houses. The great question of the day in Hungary, is, in fact, the nomination of administrators alluded to in the 11th paragraph. As this is a measure that may lead to very important political results, I will not venture, at present, to pronounce a decided opinion respecting it; both parties having cited the same Dietal Acts: the one to show the illegality of the measure, the other to prove that it is in strict accordance with the law. That it has greatly modified the system of Comitatal administration in Hungary is, however, unquestionable. I will merely observe, at present, that Count Apponyi (the present Chancellor) deemed it expedient to render the office of Lord-Lieutenant of a county merely nominal, by appointing, in upwards of twenty counties, administrators to exercise all the

functions which the Lords-Lieutenant ought to have exercised, although they very seldom thought proper to do so.

However, notwithstanding all the efforts which the administrators are said to have made to influence the elections, the Government party still remains in the minority. In the last Diet the Liberals had, on most questions, a majority in the Lower House, varying from 10 to 25. In the present Diet they have only been able to show a majority of from 2 to 4, viz., on the Address, taxation not being regarded as a party question, although they boast that on other questions this majority will be much greater, at least 20. However, be this as it may, a majority of 2 or 20 will lead to the same result. The Government being, as usual, in a majority in the Upper House, and in a minority in the Lower one, very few measures will be carried; and as party spirit will always rise higher, the Government will be obliged either to make very important concessions or to dissolve the Diet, unless they should prefer letting it wear itself out, like the last one, it being obvious that, so long as the 2 Houses are animated by a different spirit, nothing effective can be accomplished.

A person unacquainted with Hungarian politics would imagine that unanimity prevailed on most questions submitted to the consideration of the present Diet. But with all this apparent unanimity of opinion, there was perhaps never a Diet held in Hungary in which the 2 parties differed so materially in their views as in the present one. The Conservatives wish to carry out the necessary reforms with the co-operation of the Government, and under what they term "its legitimate and constitutional influence." The Opposition, as will be seen by their famous "Programme," have lost all confidence in the Government, and hence are too apt to regard even the most wholesome measures that are supported by the Government party, with undue suspicion. The 2 parties have also totally different objects in view. The Conservatives wish to effect a moderate reform in the existing institutions, in a manner that would tend to strengthen the ties that unite Hungary to Austria. The Liberals, although with professions of loyalty, attachment to the Imperial dynasty, &c., wish to sever these ties, and make Hungary an independent kingdom. The final object which they profess to have in view is, what they term administrative independence; but it is obvious that if this object should ever be attained, and Hungary have its responsible Ministry, its national treasury, national army, &c., administrative independence would soon be converted into national independence, and the ancient crown of St. Stephen again encircle the brows of a Magyar Sovereign.

I conceive it to be my duty, whilst I am here, to give an impartial statement of facts, and to show with equal impartiality the spirit that animates the different parties, as well as the tendency of the measures brought before the Diet. If the struggle between the 2 parties led to

no further results than a modification, for better or worse, of the Hungarian social institutions, it would possess little interest for other countries. It is, for instance, a matter of comparative indifference for England, whether the Hungarian free towns obtain the right of voting at the Diet or not; whether the new system of Comital administration be suffered to take root or be abolished; whether the Aviticity laws be reformed or still allowed to exercise their baneful influence. But when it can be shown that the fate of the Austrian Empire is involved in this struggle, that which at first view appears to be mere party contention, assumes a much higher degree of importance, and claims the attention of statesmen.

Regarding Hungarian affairs in this light, I have deemed it advisable to classify my reports as follows, viz. :

1st. A summary of the proceedings of the Diet.

2nd. Explanatory remarks.

3rd. Supplementary documents, or what the French term *pièces justificatives*.

4th. Documents relating to commercial affairs; and

5th. Letters or despatches officially addressed to your Excellency.

I will merely observe, at present, that although the Government party is more numerous in the present Diet than in the last one, this accession of strength is probably more apparent than real, and is fully counterbalanced by the Liberal party being much better organised than when I was last in Hungary, not only in the Diet, but, if I may rely on their own statements, throughout the country. They held for the first time regular quarterly meetings at Pesth during the inter-Dietal period—have been drilled into something like order and subordination under acknowledged leaders—have established an active correspondence with the counties in their interest—and made known their views in a programme—an analysis of which I have given in the supplementary documents, No. 1. I should not however be surprised to find this organisation become much looser before the end of the Diet. This at least was the case during the last Diet; the Opposition forming a much more compact body at its commencement than at its close. They have also lost some of their most talented men.

(Inclosure 2.)—*Summary of the Proceedings of the Hungarian Diet of 1847–48.*

THE Diet was opened on the 11th of November by the King (1)* in person. On the 12th a mixed sitting (of both Houses) was held. The Magnates and Delegates then went to the Primatial Palace to hear the Royal propositions read. On their return they proceeded in conformity with the first proposition, to elect a Palatine, when the

* See Explanatory Remarks, page 613.

Archduke Stephen, son of the late Palatine, was elected by general acclamation; the Royal rescript, containing the names of 4 candidates (2 Catholics and 2 Protestants, as prescribed by law), remaining unopened.

On the 15th another mixed sitting was held, when the newly-elected Palatine was duly installed, and made a suitable speech on the occasion.

On the 16th the Royal propositions were read at a Dietal sitting (2) of the Delegates.

By these propositions, 11 in number, the Diet is called upon,—

1st. To elect a Palatine in conformity with the Dietal Act 3, 1608.

And to take into consideration various important measures specified in the following propositions, viz.:

2nd. The manner of provisioning and quartering the troops stationed in Hungary; the Royal rescript of Nov. 10, 1844, and the bill annexed to this proposition, to serve as the basis of their deliberations.

3rd. The claim of the Royal free towns to exercise the right of voting at the Diet, and the expediency of extending this constitutional right to the ecclesiastical corporations (chapters of cathedrals) and the free districts.

4th. The co-ordination (*i.e.*, the reform of the corporations) of the Royal free towns; a bill for which object is annexed to the proposition, and submitted to the Diet.

5th. The laws and usages relating to mortgages of manorial estates, for the amendment of which a bill is annexed to the proposition, its chief feature being the introduction of a system of registration (hypothecary registers).

6th. The urbarial laws, (*i.e.*, the laws relating to the lords of manors and their peasant tenantry, with a view of abolishing the *roboth* (*corvée*); the Dietal Acts 8, 1836, and 7, 1840, which permit this *roboth* to be commuted into a money rent, or to be redeemed for perpetuity, by mutual agreement of the parties concerned, not having been found effective.

7th. The regulation of the commercial relations of Hungary and Austria in a manner conformable to the interests of both countries; His Majesty being, moreover, of opinion that nothing would be more conducive to these interests than the removal of the intermediate customs line. Such a measure, he states, will require the most mature deliberation, on account of the peculiar circumstances connected with it and the questions it involves, as well as in respect to its bearing on the Austrian States and the Royal revenue. His Majesty therefore wishes the Diet to inquire into the means by which so desirable a result may be obtained, and to submit their views to him as soon as possible; for which purpose His Majesty has been

graciously pleased to order that the official data respecting the trade of Hungary be laid before them.

8th. In this proposition His Majesty states that all the efforts for extending the trade of Hungary having hitherto been unavailing on account of the want of roads and other facilities for the conveyance of merchandize, he has deemed it expedient to form a special section, or board of public work, in the Vice-Regal Council, and has, moreover, assisted by loans of money several private undertakings; as, for instance, the Central Hungarian Railway Company, and the Company for the regulation of the River Theiss. His Majesty, therefore, wishes the Diet to take the important question of public works into their serious consideration, and, among other matters, to direct their attention to the representation (bill) presented by the last Diet, respecting a railway to Fiume, in which neither a satisfactory estimate of the cost, nor the sources from which is to be derived the sum that would probably be required to cover the guarantee of interest to a company, are sufficiently specified.

9th. His Majesty recommends the States (3) to take into their consideration the documents which will be laid before them respecting the re-incorporated Transylvanian counties (4).

10th. His Majesty expresses a hope that the States will resume their labours on the Criminal Code, the Code presented by the last Diet, and for which that drawn up by a Dietal commission appointed for the purpose in the year 1844, served as basis, not being sufficiently complete to receive His Majesty's sanction.

11th. His Majesty requests the payment of 53,828*l.*, advanced by the Royal Treasury for national purposes.

On November 22nd, the debate on the address in answer to the royal propositions, commenced in the Chamber of Delegates [circular sitting (5)]. The Conservative, or so-called Government party, wished to limit the address to the usual expression of thanks. The Opposition, or so-called National party, contended that an allusion ought to be made to the *gravamina*, and especially to the recent nominations of administrators of counties, which they held to be an unconstitutional measure of the most dangerous tendency. Kossuth [pronounced Kosh-shut], delegate of the county of Pesth, who may be regarded as the leader of the Opposition in the Lower House, made a 2 hours' speech on the occasion, which he concluded by reading the draft of an address embodying the sentiments of his party. He was answered by Count Stephen Széchenyi, who, in the present Diet, sits in the Lower House as the delegate of the county of Moson [Wieselburg], and professes at least not to belong to any party. The address which he proposed, after the usual expression of thanks, alluded in general terms to the *gravamina*, with the remark that the Diet would subsequently send up a representation respecting them. He

agreed, however, with Kossuth, that both an account of these *gravamina* and the numerous measures that required to be taken into consideration, His Majesty should be requested to summon a Diet to meet annually in the city of Pesth.

On the 27th, after a 6 days' debate, Kossuth's motion was carried, but only by a single vote (28 to 27), or if only the Comitatal votes be reckoned, and they are practically the only ones taken into account, by a majority of 3; 26 counties voting for the motion, and 23, the delegate of Croatia included, against it.

On December 1st this resolution was confirmed at a Dietal sitting, and the address thus voted sent up to the Magnates. It is worded as follows:

" 1. Your Majesty's faithful States summoned to the present Diet enter with pleasure on the laborious task of legislation, incited by the hope of their efforts leading to a favourable result.

" 2. With pleasure, because this has been the first time for centuries that the Hungarian nation has had the happiness of hearing from the lips of its crowned Sovereign the cherished tones of its native tongue.

" 3. With the hope of their efforts leading to a favourable result, from the consideration of your Majesty having presented the Arch-duke Stephen to the nation, and by this pledge of mutual affection strengthened that tie by which we are indissolubly attached—by law, by interest, and by predilection—to the Imperial dynasty, and through this dynasty to the entire monarchy.

" 4. May your Majesty therefore be graciously pleased to accept the ardent thanks of the nation.

" 5. We also cannot refrain from mentioning that, by the royal propositions read to us on the 11th November, several questions have been submitted to our consideration, the decision of which has long formed one of our most ardent desires. We trust that this may be regarded as a proof that between the nation and its ruler no misunderstanding subsists.

" 6. Having succeeded in responding to the first of the royal propositions in a manner strictly conformable to the interests both of the Government and the nation, there is nothing we more ardently desire than to acquire the conviction that in treating the other questions contained in the propositions, as well as the ulterior measures which the necessities of the country imperatively demand, this fortunate coincidence may not be wanting: that the views of the Monarch and the wishes of the nation may have the same tendency.

" 7. While we, therefore, joyfully embrace this opportunity of conveying to your Majesty the expression of our sincere thanks and our unshaken loyalty, we also regard it as our duty frankly to make

mention of those obstacles, without the removal of which we can perceive no guarantee of the future.

“ 8. The chief obstacle to our social progress consists, in our opinion, in the Dietal Act 10, 1790, not having hitherto been fully realized; for the Government of our country does not yet possess that independence which, according to law, it ought to possess.

“ 9. This obstacle is the more serious on account of the very essential difference that exists in the fundamental principles of our legislative and administrative systems. It is owing to this circumstance that, in considering the questions submitted to us at our Diets and called for by the wants of the age, we cannot calculate with any degree of certainty how far the views of the Government and those of the nation may coincide.

“ 10. Our preliminary and other grievances (*gravamina*) which we have repeatedly laid before the Throne from Diet to Diet, still remain unredressed, which increases the doubt that we must necessarily entertain of the operation even of the most wholesome laws that may be enacted, a doubt which is justified by the fact that the execution and promulgation of our laws is not fully guaranteed. It is thus that the Dietal Act 20, 1836, has not yet been put in execution; and that the Acts on religious affairs and on bills of exchange have not even been promulgated in the districts constituting the military frontiers.

“ 11. To this must be added, that along with a tendency to set aside the influence of the legislature, a tendency to increase the power of the Administration is also clearly apparent. As a proof of what we here advance we may cite those recent measures for reducing into a system the hitherto exceptional employ of county administrators, as well as those respecting the county congregations; measures which are at variance with our Comitatal administration, as established by the Dietal Acts 56, 1723, and 36, 1536.

“ 12. The special cases herein mentioned will serve to give your Majesty a general idea of our present position. We shall hereafter venture to submit our views also respecting the details, with the remark that we regard the removal of these obstacles as an essential condition of the organic reform of our social institutions.

“ 13. We are convinced that the expediency of removing these obstacles and equitably adjusting the conflicting interests they give rise to will not escape your majesty's paternal solicitude, solely directed to the welfare of your people. With this hope we enter willingly into the consideration of the questions contained in the Royal propositions, and which have been called for by the exigences of the nation. We shall also not neglect to lay our grievances before your Majesty in conformity with the Dietal Act 13, 1790.

“ 14. We have no hesitation in stating that we are willing to

pass such measures as may lead to an equitable adjustment of the conflicting interests of Hungary and the hereditary States; the more so as we are convinced that the difficulties in the way of this adjustment do not proceed from the nature of the relations themselves.

"15. Great and arduous is the task of the coming times! It is ours to develop to the utmost extent our social institutions, grounded on constitutional rights, as well as our material resources. It is that of your Majesty to make these coincide with the intellectual development and the material interests of the entire monarchy swayed by your sceptre, in conformity with the principles of justice and the exigences of the age.

"16. Taking into consideration the numerous and important measures that will have to be submitted to us, it appears to us an object of paramount necessity that a Diet should be held annually in the city of Pesth.

"17. We have to beg that your Majesty may be graciously pleased to give the nation the assurance beforehand that its wishes in this respect may be complied with.

"18. We trust that in this manner and with the aid of the infinite goodness of the Almighty, some steps may be taken towards the end we have in view."

The Address voted by the Delegates was read in the Chamber of Magnates on December 4th, and gave rise to a six days' debate. All the amendments proposed by the Conservatives (Government party) having been carried by very considerable majorities. (6.)

On the 13th the Address was sent back to the Delegates with a renuncium, in which the Magnates stated that they would prefer laying before the Throne the simple expression of their thanks without alluding to the *gravamina*, the more so as these *gravamina* would have to be taken into consideration and submitted to His Majesty during the course of the Diet. If, however, the Delegates insisted on alluding to them, they (the Magnates) were of opinion that it ought to be in general terms. That the nomination of administrators was a question in which they would not enter, but were of opinion that until it could be proved that such nomination was an unconstitutional measure, it could not be called a grievance, and ought not to be alluded to. They therefore suggested the propriety of omitting altogether the 8th, 9th, and 11th paragraphs. They further stated, that although they fully agreed with the Delegates on the expediency of holding the Diet in the city of Pesth, the general wish of the nation in this respect had already been laid before the Throne in several Dietal representations; and, without entering into the question of annual Diets, they were of opinion that it would be more appropriate to send up a special representation on the subject, than to

mention it in the address, and for these reasons must also suggest the propriety of omitting the 16th and 17th paragraphs.

On the 15th, 16th, and 17th, a very stormy debate—frequently interrupted by the cheers and clamour of the young men in the galleries—took place in the circular sittings of the Chamber of Delegates, on this renuncium. Very violent language was made use of by several Delegates of the Liberal party. The administrators were compared with the district-captains of Galicia, and stigmatized as the salaried tools of an arbitrary Government, ready, when called upon, to do the same dirty work as their Galician colleagues. To this Somsich, a Government official and Delegate of the county of Baranya, replied, that there was a great difference between the Hungarian administrators and the Galician district-captains, the former being under a constitutional, and the latter under an absolute authority. Kossuth said that as the 2 Houses differed respecting constitutional principles, it would be a mere waste of time to enter into any further discussion on the Address, or to send it back to the Magnates. He therefore moved that it should be deposited or dropped, *i. e.*, that no further notice should be taken of it, adding that they would have an opportunity of expressing their thanks to His Majesty for opening the Diet, &c., in one of the Dietal representations. The Conservative Delegates tried to refute this argument, and one of them even went so far as to say that the Magnates had misunderstood the address, and that he was convinced that on maturer consideration, they would, with a few trifling modifications, agree to it. Kossuth's motion was, however, carried by a majority of 4,—25 counties voting for, and 21 against it; 2 or 3 counties having furnished their Delegates with fresh instructions either to vote for it, or to insist on the paragraph respecting the administrators being retained.

On the 20th, this resolution was confirmed at a Dietal sitting, the personal* striving in vain to persuade the Delegates to rescind it, and send the address to the Magnates, he being persuaded, he said, that the 2 Houses would soon come to an understanding on the subject. However, a nuncium was sent to the Magnates, announcing the fact of the address having been deposited, and stating the motives which had induced the Delegates to have recourse to such a proceeding.

The other proceedings of the Diet (up to the Christmas recess) may be classified as follows:

A. Measures recommended to be taken into consideration in the Royal propositions.

a. The Alimentation of the Troops stationed in Hungary. (2nd R. Proposition.)

* See Remark 2, page 613.

On December 13th, the Delegates sent a nuncium to the Magnates, together with a representation requesting that His Majesty would be pleased to appoint a Royal Commissioner to act with a Dietal Committee to be appointed for the final settlement of this question. On the nuncium and representation being read, the Palatine observed that it was unnecessary to send the latter, a Royal Commissioner being already in Presburg. (7.)

b. Co-ordination of the Royal Free Towns. (3rd and 4th R. Proposition.)

On November 29th, a Committee of Delegates (8) was appointed to draw up a bill on this question, and to make use for this purpose both of the bill annexed to the 2nd Royal Proposition, and of that which gave rise to so much discussion during the last Diet. (9.)

c. The Laws relating to the Mortgages of Manorial Estates. (5th Royal Proposition.)

This question was discussed in the Lower House on December 13th, when it was resolved to appoint a Committee (of Delegates) to draw up a bill that should embrace the question in all its bearings, not only in respect to the mortgage, but also to the tenure of manorial (allodial) estates, with a view of abolishing, or at least of greatly amending the existing law of Aviticity. (10.) The Committee to make use, for this purpose, of the bill annexed to the 5th Royal Proposition, as well as of the report made to the last Diet by the Committee specially appointed to inquire into the laws and usages relating to Aviticity, and propose measures for their amendment and final abolition.

d. Urbarial Laws. (6th Royal Proposition.)

The expediency of amending the existing laws that define the mutual relations of manorial lords and their tenant peasantry, was discussed in the Chamber of Delegates on December 3rd and 6th. All parties agreed that the Roboth ought to be abolished; the Opposition citing the sanguinary acts perpetrated in Galicia, to show what use might be made of a peasantry compelled by law to work for their landlords. The House was also unanimously of opinion that, as the Dietal Acts of 1836 and 1840 had not been effective, a compulsory law ought to be passed by the present Diet. Several Delegates contended that the law ought to be compulsory for both parties; that the peasants should be compelled either to redeem their Roboth for perpetuity, or to commute it into an annual money rent, in the manner specified in the above-mentioned Acts of the Diets of 1836 and 1840; and that the landlords should likewise be compelled to accept this redemption or commutation. It was, however, decided by a majority of 24, —37 counties for, and 13 against—that the law should only be compulsory for the landlords, they being entitled to a full compensation for the loss which, by the change of system, they

would have to sustain. A resolution was also passed to appoint a Committee to draw up a bill on the subject. The question whether this should be a Dietal or a Circular Committee (11), gave rise to an animated debate, which ended by the House deciding, by a majority of 8, in favour of a Dietal Committee. These resolutions were confirmed at a Dietal sitting on December 21st, and a nuncium sent to the Magnates requesting them to agree to the appointment of a Dietal Committee, on the conditions that the contemplated measures should be framed in conformity with the resolutions passed by the Delegates.

B. Measures not mentioned in the Royal Propositions.

a. The late Palatine.

A proposal to found a beneficent institution in commemoration of the late Palatine, the said institution to bear his name, has been unanimously adopted by both houses. They have also unanimously resolved to send a representation to request that, in consideration of the services of the late Palatine, His Majesty may be graciously pleased to make the Archduke Stephen, the present Palatine, a donation of a Crown domain.

b. Croation Affairs.

On November 29, the Delegates appointed a Circular Committee to investigate the causes that have led to the Croation agitation, and collect the necessary data respecting the same, with a view of framing an Act to remedy the evil. There are 12 county Delegates on this Committee; all belong to the Liberal party, Kossuth being the chairman.

c. General Taxation.

On November 29th, Szemere [Sem-er-y], the Delegate of the county of Borsod, one of the most liberal and at the same time most Protestant counties in Hungary, brought the question of general taxation before the Lower House. In conformity with the present system, the county rates (*cassa domestica*) and the war-tax (12) are levied almost exclusively on sessional (peasants') property. The peasants, in fact, have to pay all, or pretty nearly all, the direct taxes; the nobles (13) being totally exempt from direct taxation. Szemere concluded his speech with three proposals in the form of questions, viz.:

1st. Are the nobles willing to pay, conjointly with the non-nobles (peasants), the county rates?

This question was answered in the affirmative by a majority of 17.

2nd. Are the nobles willing to contribute their share to the war-tax?

Negatived by a majority of 15.

3rd. Are the nobles willing to pay a direct tax into a national

treasury, the funds so raised to be applied for objects of national utility, such as the making of roads, &c.?

Answered in the affirmative by a majority of 44; that is to say, almost unanimously.

These resolutions having been confirmed at a Dietal sitting held on December 7th, a nuncium was sent to the Magnates, requesting them to consent to the appointment of a Dietal Committee on the subject, the Delegates assuming that the resolutions they had passed respecting the payment of county rates, and a general tax by the nobles, could not fail of being adopted by the Upper House. They at the same time observed that they were of opinion that it would be advisable to raise the funds for national purposes more by indirect than by direct taxation, the details of which, as well as the most expedient manner of exercising a Dietal control over the administration of the said funds, they would leave to the consideration of the proposed committee. This nuncium has not as yet been discussed by the Magnates; but they will no doubt consent to the appointment of a mixed committee on the question.

d. Liberty of the Press.

On November 29th, the Delegates appointed a Circular Committee to inquire into the present regulations respecting the press, with a view of abolishing the censorship, which is regarded by the Diet as existing merely *de facto*, but not *de jure*, no Dietal Act having ever been passed for its establishment in Hungary. Szemere and Count Stephen Széchenyi are on this committee, and of the 17 members that compose it, 12 at least are Liberals.

A very animated debate had previously taken place (on November 16th), respecting the establishment of a free Dietal newspaper—that is to say, of a daily paper, in which a full and impartial account of the proceedings of the Diet should be given,—which led to a general discussion on the degree of liberty that, in a constitutional country, ought to be accorded to the press; the most moderate of the Liberal party admitting that some measures of a repressive nature were essential for its due regulation.

Somsich [Shom-sich], Delegate of the county of Baranya, and a member of the Vice-Regal Council, and consequently in the employ of the Government, spoke against the censorship, which he designated as a system that no longer answered the purpose for which it had been introduced, as a worn-out system, in fact, for which a more rational one ought to be substituted. “I believe, therefore,” he added, “that I am acting in conformity with the views of the Government, when I vote for a repressive law on the press.”

The motion for the establishment of a free Dietal newspaper was carried, although the Conservative, and even several of the Opposition

Delegates spoke against it, on the ground that an impartial newspaper would be a mere journal; that the scheme was in fact visionary and impracticable.

These resolutions having been confirmed at a Dietal sitting, a nuncium was sent to the Magnates on the subject, who, in a renuncium, suggested the expediency of referring the measure to the above-mentioned Committee on the Press, adding that they would take into due consideration any bill framed on the report of the said Committee that might be sent to them from the Lower House.

e. Magyarism, or Measures relating to the Hungarian Language and to Nationality, Naturalization, &c.

The Liberals having hitherto succeeded in their efforts respecting Magyarism—the Magyar language being at present the language, by law established, of the Legislature, the courts of justice, and, with the exception of the Post-office and the Customs, of every department of the Administration—have drawn up a fresh bill, in which the clauses that they were obliged to strike out of a bill passed by the last Diet in order that it might receive the royal sanction, have been embodied. This bill, and another on the naturalization of foreigners, both having the same object in view, viz., the preservation and propagation of Magyarism, are at present in the first stage of discussion in the Circular sittings of the Delegates.

One of the clauses of the bill, intituled “On the Hungarian Language and Nationality,” decrees that, after the passing of the Act, Magyar is to be the official language of the Post and Customs Departments, and that the official seals of every department of the Administration are to bear Magyar inscriptions. Another clause requires that a coinage, bearing inscriptions in the Magyar language, be struck for Hungary; and that vessels belonging to the Hungarian Littoral bear the Hungarian, and not the Austrian flag (like the Danubian steamers when they are within the Hungarian territories.)

f. The Comitatal Administration Question.

When the motion for the deposition of the address was carried in the Lower House, the Delegates passed a resolution to the effect that the Committee on Croatian Affairs should be charged to inquire into and make a report on the system of Comitatal administration introduced by the present Chancellor; the fact of the address having been deposited showing that the House regarded the recent nominations of county administrators as an unconstitutional measure. This Committee has been actively engaged during the Christmas recess, and will shortly make a report, which will no doubt give rise to a very animated discussion.

(Inclosure 3.)—Explanatory Remarks.

1. FERDINAND I, Emperor of Austria, appears at the Diet as Ferdinand V, King of Hungary.

2. It may not be irrelevant to remark, that the Delegates hold Circular sittings and Dietal sittings. The former are presided over by 2 Delegates (taken in rotation), and correspond, in a great measure, to what in English parliamentary language is called a Committee of the whole House. The resolutions passed at these Circular sittings are not valid, unless they be confirmed at a Dietal sitting, which is presided over by the Chief Justice of the King's Bench (*Tabula Regia*), or the Personal (*Personalis præsentis Regiæ locum tenens*), as he is called. The Circular sittings have, however, of late years become by far the most important, the resolutions passed at them being generally confirmed at a Dietal sitting without much discussion, by the majority crying out "*Maradjon*" ("let it remain;" *i. e.*, as it was decided at the Circular sittings.) It is only at the Dietal sittings that the Delegates wear their sabres and appear in the Hungarian costume.

3. In official language, the Diet is addressed by the term "*States*," or "*States and Orders*."

4. Three Transylvanian counties and a district that formerly belonged to Hungary, were re-incorporated by an Act of the Diet of 1836; but they have hitherto refused to send Delegates to the Hungarian Diet, and petitioned the Government to let them remain incorporated with Transylvania.

5. See Remark 2.

6. Strictly speaking, the Magnates do not make what in English parliamentary language would be called amendments to a Bill, but state, in a so-called *renuncium*, on what points they differ from the Delegates; suggest the expediency of omitting certain clauses, of modifying others, &c. If the Delegates find that the difference of opinion between the Houses is too great to admit of mutual concessions being made, the bill or measure in question is deposited, or dropped: that is to say, no further notice is taken of it, except that of notifying the fact in a *nuncium* to the Magnates. This, however, very rarely happens on the first *renuncium*, which is almost invariably taken into due consideration by the Delegates, and some of the suggestions of the Magnates adopted. A bill is thus frequently sent several times from one House to the other, concessions being reciprocally made at each stage, until it is finally adopted by both Houses. It is then read, signed, and sealed at a mixed sitting, and sent to the Hungarian Chancery at Vienna, with a so-called representation, requesting that His Majesty may be graciously pleased to sanction it. The Opposition contend that, as the Government can always command a majority in the Upper House, a bill that has passed through such

an ordeal ought to receive the Royal sanction without delay, or, at all events, that the Royal sanction ought to be either given or refused ; whereas, in the generality of cases, the bill is sent back to the Diet, accompanied by a Royal rescript, stating that His Majesty is willing to sanction such and such clauses, but that others will have to be amended, &c. These suggestions of the Hungarian Chancery are then taken into consideration ; and as it generally happens that the Magnates are willing to adopt them, while the Delegates insist on the bill being sent back in its original form, or with very trifling modifications, a great deal of time is lost in useless discussion. Bills are thus frequently sent from the Hungarian Chancery to the Diet, and from one House to the other, until the close of the Diet, when the greater part of them are either deposited or the Royal sanction withheld.

7. The troops stationed in the Hungarian villages are quartered in the houses of the peasantry. The peasants are also obliged to furnish them with bread and other provisions, and the cavalry with forage, at a certain fixed price, which is always below the market price. This difference of price, called the "deperdita," constitutes a tax, the total amount of which has been calculated, though on very inadequate data, to vary from 100,000*l.* to 400,000*l.* per annum. The last Diet sent a representation, with an accompanying Act for the abolishment of this system, offering at the same time to pay annually 100,000*l.* into the Royal treasury by way of compensation. This, it would appear, was deemed an adequate sum ; but the Government intimated that certain clauses of the Act would have to be modified before it would receive the Royal sanction. The proposed Dietal Committee, in conjunction with the Royal Commissioner, will probably devise some means for finally settling this long-debated question, and thus free the peasants from an onerous burden, as well as from the demoralizing effects which the quartering of troops in their villages must necessarily produce.

8. Formerly most of the committees appointed at an Hungarian Diet were Dietal, that is to say, mixed committees of Delegates and Magnates, a certain number of members to sit on such a committee being named by each House. Of late years, however, the Delegates have very rarely had recourse to the Magnates, almost all the numerous committees appointed at the last and 2 preceding Diets having been committees of Delegates, or Circular committees, as they are termed. A Circular committee mostly consists of from 12 to 20 Delegates of counties, generally an equal number from each of the 4 circles (*circulos*) into which Hungary Proper is juridically divided, a Delegate of the Free Districts, an ecclesiastical Delegate, and 3 or 4 Delegates of Free Towns. It is needless to add, that in such committees the Liberal party is always in the majority. To the Delegates

belongs, exclusively, the so-called initiative; that is to say, every measure, whether it be the introduction of a bill, a representation to the Sovereign, the appointment of a committee, or what not, must originate in the Lower House. The Government itself is in this respect quite powerless; its action being limited to His Majesty recommending his "faithful States and Orders" to take certain measures specified in the Royal Propositions into their consideration. So long, however, as the Government retains an influence over a single county, this limitation of its action will be practically remedied by the said county furnishing its Delegates with whatever instructions the Hungarian Chancery may think proper to suggest or dictate.

9. In the last Diet the 2 Houses finally agreed to allow the free towns 16 votes, on condition of their corporations undergoing a thorough reform. It was respecting the extent to which this reform ought to be carried, that a difference of opinion prevailed, and as the Delegates would make no further concessions, the bill, which had gone the usual round several times, was finally dropped.

10. Aviticity. Right of resumption, upon certain conditions, of lands disposed of by sale at a former period.

11. See Remark 8.

12. Each of the Hungarian counties has a so-called *Cassa Domestica*, into which the county rates, levied exclusively on sessional or peasants' property, are paid. The war-tax, raised for the maintenance of the Hungarian troops, amounts to about half a million sterling. This tax is rated at so much per *Porta*, Hungary being divided for this purpose into 6,210 *Portæ*; 5,655 of which fall on the peasants, and 555 on the burgesses of the free towns. The peasants are also obliged to make their roads, such as they are, and render many other services, for a very inadequate remuneration.

13. The word "noble" has a very different signification in Hungary than in other countries, and is, strictly speaking, applied to designate a man enjoying certain rights and privileges, among which that of being exempt from taxation has hitherto been the most highly prized. The Hungarian nobles may, however, be classed as follows:

A. The Titled Nobles, Princes, Counts, and Barons, or the Nobility, as they would be termed in England.

These are the Magnates, or Peers of the realm, and appear at the Diet in their own right, either in person or by proxy. The proxies of Magnates, if in fact they may be so called, sit, however, or more properly speaking, stand in the Lower House, and are not allowed either to speak or vote.

B. The Untitled Nobles, viz.:

a. Those who possess estates, or who have studied the law. A class from which the county magistrates and the Delegates are elected, and which corresponds to that of our landed gentry. These

gentlemen generally prefix to their names in German *von*, and in French *de*.

b. The Half-spurred Nobles, as they are termed, or those who possess only a small piece of ground, or, to use the Hungarian expression, "a house and four plum-trees." These form the mass of the electors.

c. Landless Nobles, who are consequently deprived of the elective franchise, and may be found gaining their livelihood in all capacities. The Hussars of the nobility frequently belong to this class.

(Inclosure 4.)—*Supplementary Documents, or Pièces Justificatives.*

No. 1.—PROGRAMME OF THE OPPOSITION.

THE Liberals—or the Opposition, as they are now generally called—after one of their quarterly meetings held at Pesth in March, 1847, made known their views and opinions by issuing a (lithographed) manifesto or programme, as the French would term it, which has been very widely circulated both in Hungary and Germany.

They begin this document by declaring that it is the vocation of the Opposition, in every Constitutional State, to exercise a control over the Government; and that they are determined to exercise such a control in every way that the constitution allows.

They profess that their opposition is not directed against persons, but against the system of government hitherto pursued. For the present Government of Hungary, they say, is not a national, but an alien (heterogenous) Government; a Government which, by ruling with absolute uncontrolled sway over the other States of the empire, is quite unfit for the administration of that State, viz., Hungary, which is in possession of a constitution.

They further declare that they can perceive no tendency towards the adoption of a better system, but that, on the contrary, the recent acts of the Government prove that the same anti-constitutional spirit still prevails. Their grievances, they say, which have been repeatedly laid before the Throne, are still unredressed; and they contend that a government that thus slights the legitimate voice of the people, violates the laws in as great a degree as the former Government by whose illegal acts these grievances arose; and that both are equally unentitled to claim the confidence of the nation.

As a proof of what they advance, they cite the grievances mentioned in the address; viz., the non-execution of the Dietal Acts relating to the re-incorporation of the Transylvanian counties; the non-promulgation of the Acts relating to Bills of Exchange and Religious Affairs within the districts constituting the military frontiers; the affairs of Croatia, &c.; and above all the introduction of what they term "an

illegal and unconstitutional system of Comital administration," viz., the recent nomination of administrators alluded to in the address.

Under these circumstances they declare that they will use all their efforts to obtain further guarantees for the independence of the country.

Among such guarantees they mention—

A responsible Ministry ;

Liberty of the press ;

Union of Hungary and Transylvania ;

Publicity respecting everything relating to public affairs.

Among the reforms which they intend to propose at the next (that is to say at the present) Diet, they enumerate—

A system of general taxation for all classes, noble and non-noble, without distinction ;

The co-ordination of the free towns ;

Equality before the law ;

A reform of the Urbarial laws ;

The abolition of the Aviticity laws.

They conclude by saying—

" We shall continue, with unwearied zeal, to make use of every effort in our power for the attainment of these objects, without being unmindful of the relations which in accordance with the Pragmatic Sanction exist between Hungary and the Austrian hereditary States. We must observe, however, that our nationality is clearly laid down in the Dietal Act, § 10, anno 1790, and guaranteed by the sanction of a Royal oath. To this Act we shall tenaciously adhere ; for by it Hungary is declared and acknowledged to be, in all its administrative departments, a free and independent country, and therefore not subordinate to any other country. But while we shall carefully avoid placing the interests of Hungary in opposition to those of the entire monarchy, or rendering them incompatible with its unity and safety, we shall not suffer these interests to be rendered subservient, in an unreasonable and illegal manner, to those of the other States of the empire, as is actually the case in respect to our manufacturing industry and our commercial relations.

" Professing our willingness to support any measure that may tend to an equitable adjustment of the conflicting interests of Hungary and the hereditary States, we at the same time declare that we cannot tolerate a system that would sacrifice all our interests and our constitution itself to the so-called general administrative unity ; a kind of unity which by many is regarded as correlative with that of the monarchy. It was in the last quarter of the past century that the Government, by acting on this system of administrative unity, and offering us material advantages in exchange for our constitutional rights, attempted to subvert the nationality and independence of Hungary. It is to this system of administrative unity, developed, as it has constantly been, on the

principles of absolutism, that all the free institutions of the Austrian hereditary States have been sacrificed. Our constitution is, however, a treasure which we cannot sacrifice for any advantages whatsoever. To maintain and invigorate this constitution is the first and most sacred duty that we owe to our country.

"We are convinced that if the old constitutional rights and liberties of the Austrian hereditary States still existed; if these States, in conformity with the demands of the age, and the principles of equity and justice, could be ranked amongst the constitutional nations of Europe—and the government of the entire monarchy, in its general system, as well as in every department of the administration, was grounded on constitutional principles, and animated by a constitutional spirit—we are convinced, we say, that our interests could then be easily combined with those which are at present in conflict with and even inimical to them; and that by a greater unity of interests and a greater degree of confidence being thus established, every part of the empire would be invigorated and knit together by a common tie, and the united monarchy, by a guarantee being thus afforded for its material and intellectual development, be enabled to brave with impunity the storms and convulsions by which it might hereafter be assailed."

(*Inclosure 5.*)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, January 6, 1848.

I HAVE the honour to inclose the remaining sheets of the summary of the proceedings of the Diet up to the Christmas recess.*

The committees have been actively engaged during the recess in pursuing their inquiries, and a report will shortly be made to the Delegates respecting the new system of Comital administration. The debate on this question will show which party really possesses the majority in the Lower House, and probably induce the Government to take a decisive line of policy either in one direction or the other.

When I arrived here, the Conservatives assured me that their party was in the majority in the Lower House. When the motions respecting the address were carried against them, they said that the majority was "artificial and not natural," several Delegates having voted contrary to their instructions. The real fact I believe to be this, that the Delegates of two or three counties did not vote in strict conformity with their instructions, and might probably have voted on this particular question for either party, without materially infringing them.

The debate that will shortly take place in the Lower House will show which party really possesses the majority. Both parties are in the meantime making great exertions at the county congregations

* Vide page 608.

held at this season of the year, and at which the Comitatal administration question is the principal topic of discussion. As several counties will probably furnish their Delegates with fresh instructions, the statements of neither party can be implicitly relied on, although the Liberals declare that in the generality of cases these instructions will be in their favour.

The sittings of the Delegates recommence to-morrow; those of the Magnates on the 12th or 15th.

H.E. Viscount Ponsonby.

J. BLACKWELL.

No. 4.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Feb. 21.)
MY LORD, *Vienna, February 16, 1848.*

I HAVE the honour to transmit to your Lordship 2 despatches I have received from Mr. Blackwell, containing a continuation of the summary of the proceedings of the Hungarian Diet.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure 1.)—Mr. Blackwell to Viscount Ponsonby.
(Extract.) *Presburg, January 28, 1848.*

IN the despatches of December 22, 1847, and January 6th instant, which I had the honour of addressing to your Excellency, I gave some account of the system of county administration introduced by Count Apponyi. I shall now enter more into the details of this system.

I must observe that there are 55 counties in Hungary; viz., 49—including the 3 reincorporated Transylvanian counties—in Hungary Proper, and 6 in the *Partes Adnexæ*, i.e., in Slavonia and Croatia; and that all the magistrates and officers of an Hungarian county are elected triennially by the nobles (freeholders) of the county at a general congregation, with the exception of the Comes Supremas or Lord-Lieutenant. In 3 counties this dignity is held *ex-officio*, the Palatine, the Primate, and the Archbishop of Erlau, being respectively the Lords-Lieutenant *ex-officio* of the counties of Pesth, Eztergom (Gran), and Heves. In 7 other counties the dignity is hereditary. In the remaining 45 counties the Lords-Lieutenant are appointed by the Crown.

A Lord-Lieutenant must possess landed property in the county over which he presides. He is regarded as the mediator between the county and the Crown, in the same manner as the Palatine is the mediator between the Crown and the nation. He, therefore, like the Palatine, holds his office for life, and, according to the strict letter of the law, is only removable for crimes and misdemeanours proved against him before a competent tribunal. He has no salary from the Government, but receives a remuneration for official expenses of 120%.

per annum from the county cassa. The Lords-Lieutenant are generally noblemen of rank and fortune. The office may, however, be held by a noble—[I use this word in contradistinction to “nobleman,” meaning by the latter a Magnate or person bearing the title of Prince, Count, or Baron],—who then becomes a Magnate *ex-officio*, and has a seat and vote in the Upper House.

It is useless to enter into a discussion of questions which at the present day have no practical bearing, otherwise I might show that in former times each county was probably represented at the Diet—when it was a uni-cameral and not a bi-cameral Assembly—by its Lord-Lieutenant, accompanied by a certain number of Delegates elected at a general congregation, or perhaps named directly or indirectly by the Lord-Lieutenant himself. Since the Diet has become a bi-cameral Assembly, the Delegates sit in the Lower and the Lords-Lieutenant in the Upper House, in which every one bearing the title of Prince, Count, or Baron, and who is not a minor, whether his father be living or not, has a seat and vote, which was probably in former times not the case.

Leaving, therefore, such questions as irrelevant to my present purpose, I must further observe that, for the counties in which the dignity is held *ex-officio*, it has been a long-established custom to appoint administrators or deputy Lords-Lieutenant, as they might be termed in English. For a county in which the dignity is hereditary, it has also been the custom to appoint an administrator whenever the Lord-Lieutenant happened to be a minor, the functions of the administrator ceasing with the minority of the Lord-Lieutenant. A few other exceptional cases might also be cited; but that these cases were exceptional, and only called for by peculiar circumstances, is, I think, undeniable; the arguments made use of to prove the contrary resting either on gratuitous assumptions or on inconclusive evidence.

The word “county” is a very inappropriate term to designate one of the 55 districts into which Hungary is divided, these districts having a much greater analogy with the Swiss Cantons or with the States of the American Union than they have either with the English counties or with the French departments. They may, in fact, almost be regarded as the independent States of a Confederation under the rule of an hereditary Monarch, whose constitutional authority is circumscribed within the narrowest possible limits. Hence the County Congregations declare themselves to be what they term autonomic, and not bound to acknowledge, for the affairs of their respective counties, any authority superior to their own.

With such a system, it is obvious that the only direct legitimate influence which the Government can exercise in a county, is through its Lord-Lieutenant. According to a Dietal Act passed in the begin-

ning of the last century, a Lord-Lieutenant ought habitually to reside in his county, to preside over the County Congregations, and perform several other duties therein specified; but this Act, like too many other Hungarian laws, has remained a dead letter. A Lord-Lieutenant being, generally speaking, a man of rank and fashion, unacquainted with business, and until within these last 10 or 15 years, even unfamiliar with the vernacular idiom, only paid occasional visits to his county, generally for the purpose of giving a splendid banquet at a restoration, *i.e.*, at the election of the county magistrates. By this dereliction of their duties the Lords-Lieutenant virtually abandoned what little influence they legitimately possessed; and the chief management of the affairs of a county necessarily fell into the hands of the Vice-Comes or Sheriff, whose interest, like that of all the other magistrates, was obviously to flatter the passions of the Assembly that had elected him, and to profess himself a supporter of Magyarism and Hungarian independence.

The Government has of late years sought to remedy this evil by appointing nobles (of the Class B 1) to fill the office of Lord-Lieutenant. There are, for instance, at the present moment no less than 13 Lords-Lieutenant belonging to this class, and who are consequently only *Magnates ex-officio*. This was a step which would eventually have led to the desired result. Nothing, in fact, could be said against it. According to law, all the Hungarian nobles, whatever difference may exist in other respects, are on a footing of perfect equality. This, I am aware, is not the case *de facto*, nor ever can be the case in any country. They are, however, all of them equal *de jure*, and both *de jure* and *de facto* are in the enjoyment of the same privileges. At a County Congregation the vote of a skin-clad noble who cultivates his plot of ground like a common peasant has the same weight as that of a Prince, and might turn the scale in favour of a Liberal or a Conservative candidate.

The nobles hitherto appointed to the office have been men possessing considerable landed property in their respective counties. The noble would by predilection habitually reside in his county, would be perfectly conversant with Comitatal affairs, by having held at different periods most of the county offices, and what is more, would, generally speaking, advise the Government to act on strictly Constitutional principles; whereas in 9 cases out of 10 the nobleman would reside either in Pesth or Vienna; would be ignorant of county affairs, and mingle in social intercourse with those who, although in the enjoyment of the same privileges, he would regard as an inferior class of society.

It is by having divested themselves of their exclusiveness, that the *Magnates* of the Liberal party have greatly increased their influence.

When Count Apponyi took the seals of office he deemed it advisable to effect a radical change in this system of county administration. He accordingly persuaded, with two or three exceptions, the Lords-Lieutenant who were Magnates by birth (noblemen), to consent to the appointment of administrators, or in other words virtually to abandon their office. For although these gentlemen still retain the title of Lords-Lieutenant, the duties of the office are *de facto* performed by the Administrators. It is the Administrator who presides at the County Congregations, corresponds with the Government, and who is in fact the *bonâ fide* Lord Lieutenant of the county. An Administrator has also a salary of 600*l.* per annum paid from the Royal Treasury, which, *de facto*, is not under Dietal control, the funds of which it disposes being derived from the salt monopoly, the royal mines, the Hungarian customs duties, and other sources.

Leaving out of the question the 3 counties in which the office of Lord-Lieutenant is held *ex-officio*, and which have always had Administrators, and the 3 re-incorporated Transylvanian counties, which are still in an anomalous state, I find, by referring to the Hungarian Schematismus of 1848, that of the remaining 49 counties 29 have Administrators, viz., 6 in which the Lord-Lieutenancy is vacant, 4 in which the Lords-Lieutenant are nobles, and 19 in which they are noblemen (Magnates by birth); and that 9 of the remaining 20 counties are presided over by Lords-Lieutenant who are nobles, and 11 by Lords-Lieutenant who are noblemen, and with one or perhaps two exceptions of the Conservative party. The salary of the 29 Administrators will amount to 17,400*l.* The amount of the secret-service money which it is said to have been placed at their disposal it is of course impossible to ascertain.

This system of Count Apponyi's was a well-concerted plan, and, regarded merely in an Austrian point of view, might have produced the most beneficial results.

It is obvious that if the system were suffered to take root, a kind of Austrian bureaucracy would by degrees be engrafted on the Hungarian institutions. A talented administrator would be rewarded for his services by being made a Lord-Lieutenant. The candidates for Comitatal offices, a very numerous class in Hungary, would make the office of Administrator, with its 600*l.* salary and the prospect of a Lord-Lieutenancy, the highest object of their ambition; to obtain which they would only have to renounce their ideas of Hungarian nationality and independence; whereas to be elected to the office of Vice-Comes (Sheriff), which is at present the highest honour they can aspire to, they frequently have to spend several hundred, and sometimes several thousand pounds sterling, although the salary is not more than 60*l.*, with but three years' tenure of office. The ultimate result of the system would probably be, the conversion of

Hungary into an Austrian province, and the Diet into a mere registrative Board, or, at most, an Administrative Council, similar to the Landstände of the hereditary provinces.

When the question comes before the Delegates, the Opposition will strive to show that it has given rise both to general and special grievances (*gravamina*). To general grievances,—1st, On account of it being illegal, that is to say, contrary to statute law; 2nd, On account of it being contrary to the spirit of the Hungarian Constitution. And to special grievances,—1st. On account of salaries having been paid to public officers without a Dietal sanction, and from funds over which the Diet has *de facto* no control; and, 2nd, On account of Administrators having been appointed in, I believe, 2 or 3 counties, without the consent of the Lords-Lieutenant of the said counties; as it is alleged was the case in the county of Varasdin, in Croatia, of which Count Erdödy is the hereditary Lord-Lieutenant.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(*Inclosure 2.*)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, February 3, 1848.

I HAVE the honour to transmit to your Excellency a summary of the debate on the question of General Taxation.

By referring to the summary [p. 11] previously transmitted, it will be seen that in the nuncium of the Delegates, two kinds of taxes are indicated—a Comitatal tax, viz., the present county rates, and a Regnicolar or general tax. Previous to the debate taking place, the Magnates of the Conservative party held frequent meetings, at which a decided hostility to the payment of county-rates by the nobles was unfortunately but too apparent.

After much fruitless discussion, Count Emilius Dessewffy, one of the most talented men of the party, persuaded them to admit the principle of the payment of county-rates by the nobles. They would, he said, be only doing what they now did; there being scarcely a county in Hungary in which, of late years, the nobles had not contributed large sums for Comitatal purposes by a so-called voluntary subsidy. (The expenses incurred in erecting the new County Hall in Presburg, for instance, were defrayed by a rate levied exclusively on the nobles of the county.)

It was finally resolved that the Conservatives should not directly oppose the measure, but should strive to adjourn it until a bill for the co-ordination of the counties, that is to say, for a thorough reform of the present system of Comitatal administration, should be brought before the Diet; a bill, be it observed, of which there is actually no question.

To the payment of a Regnicolar tax no valid objections could be raised. The Conservatives therefore resolved to support this measure;

that part of the Delegates' nuncium in which the expediency of raising funds for national (Regnicolar) purposes more by indirect than by direct taxation is suggested, having, it would appear, met with their special approbation. This suggestion was made, however, on the supposition that the Magnates would agree to the proposed payment of county-rates by the nobles; a fact which the Delegates will no doubt take care to remind them of.

This task of stating the views of the party, was entrusted to Count Anthony Szécsén.

It will be seen by referring to the summary, that the noble Count acquitted himself of his task with his usual ability.

The favourite plan of the Conservatives is to vote a Regnicolar tax—not more than 300,000*l.*—to be levied exclusively on the nobles. It must be borne in mind, that the Diet, in time of war, has frequently voted what is termed a voluntary war subsidy; that is to say, the nobles have consented to pay a specific sum for a specific purpose, by a rate levied exclusively on allodial property. If the proposed Regnicolar tax be also levied exclusively on such property, it may be termed a peace-subsidy, and be regarded not as a permanent tax, but as a voluntary contribution voted for a specific object, namely, for public works. This course has in fact been recommended by the *avita* *Constitutionem conservandam* writers, such a voluntary peace-subsidy, as they term it, not being taxation, and therefore not intrrenching on the privilege of Hungary's nobility.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(Inclosure 3.)—*Summary of the Proceedings of the Hungarian Diet since the Christmas Recess.*

(Extract.)

THE Delegates recommenced their sittings on the 7th, the Magnates on the 12th of January.

The Delegates sent a deputation to wish the Magnates a happy new year; a courtesy which the latter duly responded to, by sending a similar deputation to the Delegates. His Excellency the Bishop of Raab, who headed this deputation, told the "Praiseworthy States," as the Delegates are termed in official language, that the year 1848 was, not only for the legislature, but also for the country at large, a most important year, a decisive year, a year in which it was expected that measures of a comprehensive nature would be adopted for the material and intellectual development of the nation. The worthy prelate then proceeded to tell the Delegates that the measures which would produce such results, were indicated in the royal propositions, and he therefore conjured them to lay aside all secondary considerations, and exclusively devote their attention to the furtherance of the national prosperity, and concluded by invoking the aid of Divine

Providence for the favourable solution of the questions submitted to their deliberations.

Deputations were also sent to present the usual compliments of the season to the Palatine, and to congratulate His Imperial Highness on his recovery from the measles.

1. *General Taxation.*

The nuncium of the Delegates on this question was discussed by the Magnates on the 19th, 20th, 21st, 22nd, and 23rd of January.

Count Anthony Szécsén [pronounced Say-chain] opened the debate by a speech in which he displayed more than his usual cleverness. The task he had undertaken was, as I have elsewhere observed, to express the consent of his party to the appointment of the proposed Dietal Committee, but in a manner that would not bind them to the conditions stated in the nuncium of the Delegates, especially to that of the nobles paying, conjointly with the peasants, the rates levied for the Cassa Domestica.

With three or four exceptions, all the Conservatives voted for Count Szécsén's motion; several of them insisting strongly on the necessary guarantees against mal-administration of the funds being afforded before they could give their consent to the payment of county rates.

The Opposition Magnates, with the exception of Count George Károly, voted for the nuncium of the Delegates, viz., that it should be accepted without amendments.

On the fourth day of the debate, the Palatine suggested that they should state in their renuncium, that without pretending in the present stage of their proceedings, to give a preference to either of these kinds of taxation, the Committee should be instructed to inquire into the most expedient manner of applying the admitted principle of general taxation to both; the Magnates reserving to themselves full liberty to come to a final decision on the subject when the report of the Committee should be submitted to their consideration.

This proposal of the Palatine was adopted by general acclamation amidst the most enthusiastic cheering from all sides of the House.

The Magnates met the following day to authenticate the renuncium, which was duly transmitted to the Delegates.

No. 5.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Mar. 20.)
MY LORD, *Vienna, March 14, 1848.*

I HAVE the honour to inclose to your Lordship some papers I have received from Mr. Blackwell, on the Hungarian Diet.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure 1.*)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, February 29, 1848.

I HAVE the honour to inclose a continuation of the summary. The commutation of the Roboth is one of the most urgent questions of the day, not only in Hungary, but also in Moravia, Bohemia, and other provinces of the Austrian Empire. In Moravia the commutation is going on very rapidly; and preliminary measures have been adopted in Bohemia for effecting it, the landlords, since the sanguinary events of Galicia, having become aware of the imminent danger in which they will be placed, should the system be maintained much longer. Yet, notwithstanding this conviction, which is also shared by the Hungarian legislators, a nuncium, founded on a resolution to appoint a committee on the subject, passed by the Lower House on December 6th, was not brought before the Upper House until February 3rd; and another month has been suffered to elapse before the suggestions of the Magnates have been taken into consideration by the Delegates. Three months are thus required for the appointment of a committee on a question, which is by no means a party question, and on which, in fact, no essential difference of opinion prevails among the members of either House. The same may be said in respect to the Committee on Taxation, Szemere's motion having been made on November 29th, and the committee not being as yet definitively appointed.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(*Inclosure 2.*)—*Continuation of Proceedings of the Hungarian Diet.*

REINCORPORATION OF THE TRANSYLVANIAN COUNTIES.

THIS question was brought before the Lower House on January 14, by Kossuth, who made a 2 hours' speech on the occasion, which was listened to with profound attention, the popular orator only being interrupted by loud cheers from all parts of the House, as well as from the turbulent young juris-consults in the galleries, whenever he relieved his dry statement of facts by an impassioned burst of his peculiar eloquence.

Although this Reincorporation question might be regarded as a mere squabble between Hungary and Transylvania, and therefore totally devoid of interest, it will be found on closer examination to throw a great light on the policy which the Austrian Government has been in the habit of pursuing in regard to Hungary, and under this point of view to be by no means undeserving of attention.

Kossuth began his speech by declaring that he should not attempt to work on the feelings of the House by a display of eloquence, but should lay before them a simple statement of facts, and make no assertion that he was not able to corroborate by the most irrefragable documentary evidence.

"I find," he said, "that the Act 21 §, 1836, consists of 2 distinct parts, one respecting the representation of the reincorporated counties at the Diet, the other regarding their administration. Now I shall show that the Government has rendered the first part of this Act illusory, by not having thought proper to put the second part in execution. I shall in fact have to make 9 distinct charges against the Government, viz. :

"1. That that part of the Dietal Act which it was the duty of the Government to put in execution has remained to this day a dead letter.

"2. That the Government, by this gross dereliction of a sacred duty, has rendered the first part of the Act illusory, the reincorporated counties not having as yet sent Delegates to the Diet.

"3. That a judicial sentence pronounced by a competent tribunal against the said counties for their refractory conduct has not been executed.

"4. That by these unconstitutional proceedings the highest authority in the realm has been compromised.

"5. That the persons who have set at defiance the acts of the Legislature and the decree of the Sovereign have been loaded with honours, while those who endeavoured to obey the laws have not been protected from oppression.

"6. That with the sacrifice of its own independence the Hungarian Government has submitted to the dictates of a foreign (Transylvanian) Government.

"7. That the most odious means have been employed to stifle the sympathy that prevails in the reincorporated counties for Hungary, and to create a feeling of antipathy against Hungarian laws and institutions.

"8. That as an excuse for having suffered 7 Dietal Acts, passed within a period of 120 years, 5 Royal Decrees, and numerous Royal Rescripts, to be braved with impunity, the Government now bring forward the alleged opposition of Transylvania to a measure respecting which they ought to have been aware Transylvania has no right to interfere.

"9. That they now strive to make the *de facto* reincorporation of counties which have long since been reincorporated *de jure*, depend on the passing of fresh Dietal Acts, in order, it would appear, completely to extinguish the sympathy that still prevails in these counties for Hungary, notwithstanding all the efforts that have been made to awaken a contrary feeling.

"As the Government, and newspapers in the pay of Government, lay a great weight on the opposition of Transylvania to the *de facto* reincorporation of the counties in question, I shall now show that, in alleging this opposition as a motive or a pretext for the dereliction of

official duties, they (both the Government and its hireling scribes), betray a profound ignorance of the facts recorded in the diplomatic archives of the kingdom, as well as in the impartial pages of history."

Kossuth then proceeded to give a full account of the transactions respecting the reincorporated counties, constantly referring to Dietal Acts, diplomatic Treaties, and other documentary evidence of unquestionable authority which were lying on the table before him, and from which he frequently read passages in corroboration of his statements.

From the facts adduced it would appear that in conformity with 7 Treaties of peace, beginning with that of Grosswardein in 1583, and ending with that of Linz in 1645, the counties of Kraszna, Zaránd, and Middle-Szolnok, with the district of Kövár; as well as the counties of Marmaros, Bihar, and other counties and districts situated beyond the River Theiss, were ceded to the Princes of Transylvania, with the proviso that on their dynasty becoming extinct, the counties and districts in question should devolve to the Crown of Hungary. It would further appear that these counties were never formally incorporated with Transylvania, but were always regarded as "*partium Regni Hungariæ Domini*," and therefore not subjected to the tax levied in the *bond fide* Transylvanian counties, to pay the tribute imposed by the Turks.

When Transylvania, in the year 1687, again became a dependence of the Hungarian Crown, the counties in question became, *ipso facto*, reincorporated, and by a decree of 1693 are expressly declared to be integral and component parts of the kingdom.

From this period until the year 1729 they were duly summoned, and sent Delegates to the Diet.

Until 1732 they continued under the jurisdiction of the Hungarian Vice-Regal Council.

Acts were passed by the Diets of 1715, 1723, and 1729, to effect an administrative reincorporation; the laws and usages of Transylvania being still in use in the counties; in consequence of which they were in a great measure dependent on the Transylvanian tribunals.

Disputes having subsequently arisen between the Hungarian and Transylvanian authorities, King Charles III (better known in history as the Emperor Charles VI) appointed a commission, under the presidency of Count Nesselrode, to investigate the matter. The Delegates of Transylvania who appeared before this commission, did not venture to urge the re-incorporation of the counties with the Principality, on historical grounds, but merely on motives of policy; and as no Diet was held in Hungary at that period, their arguments, such as they were, could not be refuted.

Charles III (VI) by the advice of this commission, but without summoning a Diet, issued a Royal decree, commonly called the

“*Resolutio Carolina*,” by virtue of which the counties were incorporated either with Hungary or Transylvania, according to their respective proximity to the one or the other of these States; the words of the decree being “*ut illi comitatus eo, quo quivis eorum proximius adjacet, ex integro applicentur.*”

In this manner Krasna, Zaránd, Middle-Szolnok and Köwar were incorporated with Transylvania; Marmaros, Bihar, and the other Trans-Tybian counties and districts with Hungary.

Although no Diet was held at the time, the Hungarian Viceregal Council, in 1733, entered a formal and most energetic protest against the *Resolutio Carolina*.

The first Diet summoned after the issuing of the *Resolutio Carolina* was in 1741, and its first act was to protest against this decree of the late Sovereign, and Maria Theresa acknowledged in the § 5 of the Royal Resolutions, that the Diet by so doing had exercised a constitutional right, promising at the same time that the counties should be reincorporated with Hungary.

In consequence of this Royal promise, the same Diet passed an Act, § 18, 1741, which received the Royal sanction, and by which the reincorporation of the said counties was imperatively decreed “*jurisdictioni istius Regni reddi, restitui, ac integraliter effectiveque reincorporari curabit.*”

This Act having remained, as usual, a dead letter, the Diet of 1751 urged the Government to put it in execution, and only granted a subsidy on condition that the counties should be *de facto* reincorporated whilst the Diet was sitting; “*ad regnum optimo ac indubitato jure spectantes, regno stante hac adhuc Dieta uniantur,*” being the words made use of in the representation.

In consequence of this representation, or rather in order to obtain the subsidy, a Royal promise was given that the reincorporation should be effected, the said Royal promise being duly embodied in the Dietal Act, 24 §, 1751, “*quod ad effectum, Act 10, 1741, incorporationis incorporandorum et restitutionis restituendorum negotium pro regia et materna in regnum hoc sollicitudine sibi curæ futurum sit.*”

This Royal promise not having been performed, the Diet of 1764 again sent a representation on the subject.

In 1791 the counties petitioned not to be reincorporated, as they regarded the reincorporation as subsisting *de jure*, but that the Act 10 §, 1741, should, without any further delay, be put in execution.

In consequence of this petition and the energetic representations of the Diet, the Act 11 §, 1792, was passed and sanctioned by the Sovereign. In this Act the reincorporation is imperatively decreed; but Kossuth admitted that it contained, as well as the Act 10 §, 1741, the clause *auditis etiam Transylvanis*; and said, that although he

could produce satisfactory evidence to show that the clause was interpolated, still he would take it as it stood, and would ask what interpretation could be given to it, that the reincorporation should not take place until the Transylvanians had been heard? Most assuredly not; both Acts in which this suspected clause occurred, imperatively decreeing that the counties should be reincorporated. The *auditis etiam Transylvanis* could, therefore, he contended, only refer to the administrative details of the reincorporation, and not to the reincorporation itself. Besides the Transylvanians had been heard, 1st, by the Nesselrode Commission; 2nd, in 1751; and, 3rd, in 1792, in consequence of 2 Royal resolutions issued for that purpose; so that even this plausible pretext alleged by the Government was of no validity.

The Diets of 1825 and 1832 placed the non-execution of the Act 11 §, 1792, in the list of preferential *gravamina*.

Five more representations on the subject were laid before the Throne, until the Dietal Act 21 §, 1836, was finally passed and sanctioned by the Sovereign. This Act is the most imperative of the three, for it is not enacted that the counties shall or must be reincorporated, but that "the said counties are hereby fully and completely reincorporated with the kingdom of Hungary."

"Here we have," continued Kossuth, "a formal Act. The Transylvanians had been heard, and there was nothing more to be said on the question. His Majesty, however, in a Royal rescript addressed to the Transylvanian Diet of 1837, requested them to send Commissioners to act in conjunction with the Hungarian Commissioners appointed to effect the reincorporation. His Majesty took this step, 'moved,' to use his own words, 'by paternal solicitude,' and not, it must be borne in mind, in consequence of the Act of the Hungarian Diet requiring such co-operation. The Transylvanian Diet did not condescend to listen to this request of the Sovereign. His Majesty, therefore, in another Royal rescript, dated February 20, 1839, and addressed to the States of Transylvania in Diet assembled, declared that as they had not complied with his wishes, and as the reincorporation of the counties had been, moreover, *ipso facto*, effected by the Hungarian Dietal Act 21 §, 1836, any further discussion of the question would be useless, and it was therefore His Majesty's wish that none should take place.

"Yet, notwithstanding these facts, the counties still remain unincorporated, and the Government still alleges as an excuse for their non-incorporation, the opposition of Transylvania to the measure, forgetting that the Transylvanians ground their pretended claim to the said counties solely on the Resolutio Carolina; or, in other words, that in order to justify their claim, they appeal to the arbitrary Act which caused the grievance that we have been striving for upwards of

a century to have redressed? It must also be borne in mind that the King of Hungary and the Prince of Transylvania are one and the same person. Now, when we see that the Transylvanian Government sets the Acts of the Hungarian Diet at defiance, and completely paralyses the executive power of the Hungarian Government, it is impossible to explain this abnormal state of things otherwise than that *in ultimo analysi*, neither the Hungarian Government manages Hungarian affairs, nor the Transylvanian Government Transylvanian affairs, but that both these Governments are dependent on a foreign bureaucracy."

Kossuth then proceeded to show that the minor obstacles which were said to have rendered the execution of the Act very difficult, did not exist nor ever had existed. And even admitting, he said, that such obstacles really did exist, still it was a well-known fact that the Government had frequently effected the reincorporation of districts and provinces when obstacles of a much more formidable nature had to be surmounted. Galicia and Bukowina, for instance, had been converted into Austrian provinces in the course of a few months, and the reincorporation of that part of Hungary lying beyond the Save, together with the Hungarian Littoral, was effected in a much shorter period. In respect to the administration of these districts a double reincorporation had in fact taken place, the Austrian administrative system having been substituted for the French, and the Hungarian for the Austrian. He must also remind the House, that Count Mailáth, President of the Commission appointed for the incorporation of these Trans-Savian districts, received his instructions on September 25, 1822, and that before the end of October the reincorporation had been fully effected.

"I shall now proceed," he continued, "to that part of the Act respecting the representation of the reincorporated counties at the Diet; and first in regard to the district of Kövar. Now it is expressly stated in the Act that Kövar is to be summoned to send Delegates to the Diet. The Act, be it remembered, was passed in 1836, and up to the present day Kövar never has been summoned. If it be alleged, as it is alleged by the Government, that Kövar was formerly not represented at the Diet, I must reply that this has nothing to do with the question, Kövar having by the Act of 1836 acquired the right of being represented, whether it had formerly been so or not. However, in order not to leave the Government a single loop-hole, I will show that Kövar formerly sent Delegates to the Diet."

After reading several documents relating to Dietal proceedings, which fully bore out his assertions, he continued his discourse by observing that the counties of Kraszna, Zaránd and Middle-Szolnok, had been summoned but had not hitherto obeyed the Royal mandate. As the "patriot nobles" (*i.e.*, the nobles of the Liberal party) of

these counties had already petitioned the Diet on the subject, he should content himself by referring the House to that petition, in which they would find ample data to prove that the patriotic nobles had been prevented from exercising their constitutional rights by the agents of the Government.

“I cannot however refrain,” he continued, “from noticing the conduct of these agents in the county of Middle-Szolnok. The King summonses this county—the county be it remembered, and not its Lord-Lieutenant—to send Delegates to the present Diet, and the Lord-Lieutenant does not even deliver the Royal letter of summons addressed to the county, to the Comitatal authorities. The Government transmits the Acts of the Diet to the county, and the Lord-Lieutenant prevents these Acts from being promulgated! The County Congregation meets for the purpose of electing Delegates, and the Lord-Lieutenant prevents the nobles from exercising their constitutional rights by the employ of an armed force. The nobles petition the Diet; they lay their griefs before the Throne, and demand in an humble representation, that the Lord-Lieutenant be punished for these flagrant acts of injustice. The Lord-Lieutenant continues to pursue the same arbitrary policy. I will not enumerate the other misdeeds of this Lord-Lieutenant. There was a time when a Lord Lieutenant, for much more venial offences, would have had his head severed from his shoulders by virtue of a judicial sentence within these very walls of Presburg. I am not one of those who wish for the revival of the sanguinary punishments inflicted on State criminals by our forefathers; but, on the other hand, I cannot admit that a Lord-Lieutenant should be suffered to commit such illegal and unconstitutional acts with impunity. Some kind of punishment ought most assuredly to have been inflicted. But what has been the punishment inflicted on the Lord-Lieutenant of the county of Middle-Szolnok? This punishment has been no other than that of his being promoted to the rank of Privy Councillor to the Prince of Transylvania;—to a prince who is at the same time the King of Hungary! A fact which needs no comment on my part, and from which I leave the House to draw the necessary conclusions.

“The second fact which I shall have to adduce, and which I find recorded in the book lying before me (pointing to a volume of Dietal papers of the year 1839), is that in a letter from the ex-Chancellor of Transylvania, Ropes, to the Lord-Lieutenant, who has been rewarded—I meant to say punished—in the manner I have mentioned, the following passage occurs:—‘Take especial care that, by a well-calculated tactic and a clever combination of circumstances, no Delegates be elected’ (in the county of Middle-Szolnok). And the Lord-Lieutenant did take especial care that no Delegates were elected, his clever combination of circumstances consisting in his keeping the Royal letter

of summons in his pocket, and preventing the County Congregation from assembling.

“The third fact—I will not fatigue the House by adducing any more, these three being sufficient to show the spirit that animates the Government agents—relates to the county of Kraszna. In 1846 this county sent a delegate to the Transylvanian Diet, with instructions to the Diet to the effect that Kraszna regarded itself, both *de jure* and *de facto*, reincorporated with Hungary, and would not therefore send Delegates any longer to the Transylvanian Diet, except compelled to do so by the authorities in Vienna. Now this delegate, although he had of course taken a solemn oath to act according to his instructions, acted precisely contrary to them. And what has been his punishment? Why when the recent unconstitutional system of Comitatal administration was introduced—a system which, I trust, ere the present Diet is brought to a close, we shall get rid of—this subservient Delegate was made the administrator of his county. He has, I must confess, shown himself to be a faithful servant of his worthy employers. Kraszna, be it remembered, some 50 years ago, was the first to demand its reincorporation with Hungary; and during the space of 50 years, Kraszna is the county that has the most strongly insisted on the reincorporation being *de facto* effected. Now when Kraszna was summoned by His Majesty to send Delegates to the present Diet, this honourable administrator had the General Congregation held in the court-yard of his house, and 3 barrels of wine placed before the chair, which he occupied as President of the Assembly. By means of these 3 barrels of wine, he persuaded the Congregation to pass a resolution to the effect that Kraszna had no wish to be reincorporated with Hungary, and therefore would not send delegates to the Hungarian Diet. It has thus happened that the numerous resolutions passed during 50 years of sobriety have been annulled in a moment of drunkenness. Still the Government does not make any allusion to the steps taken by Kraszna during half a century, but appeals to this last resolution, founded on 3 barrels of wine. (Laughter and cheers.)

“When we compare the data I have submitted to the House, and take into consideration the line of policy pursued by the Government, how can we blame the reincorporated counties for not sending delegates to the Diet? These counties are perfectly aware that the Prince of Transylvania and the King of Hungary are one and the same person, and therefore that the will of the one cannot be opposed to the will of the other, both being identic. They see, nevertheless, that the Transylvanian Government agitates: and that those who support this agitation, instead of being punished or reprimanded, are loaded with honours, while the Hungarian Government looks on and suffers laws to remain unpromulgated, and the decrees of Royalty to

be treated with contumely. The counties are also aware that the Government might instantly put an end to such an abnormal state of things, by letting His Majesty, for instance, state in a Royal rescript, that, from a certain day, the said counties should cease to have any administrative connection with Transylvania; and that all their representations, petitions, &c., should be transmitted to His Majesty through the Hungarian Vice-Regal Council. But they see that the Government, instead of taking this decisive step, prefers remaining under the humiliating tutelage of the Transylvanian Government, and braving the censures of the Hungarian Legislature. When, I repeat, the reincorporated counties take all these circumstances into consideration, they must be in utter despair.

“All these transactions furnish us with a compact proof of the tortuous policy of the Government; a policy of which the leading principle is, to delay as long as possible the fulfilment of the wishes of the Hungarian nation; and when delay is no longer possible, to strive, by administrative means, to render illusory everything that has been obtained by the efforts of the Legislature.” (Loud cheers.)

Kossuth then proceeded to show that the sentence passed by the *Tabula Regia*, condemning the refractory counties to the usual fines and penalties, had not yet been put in execution.

“The last Diet,” he continued, “requested that His Majesty would at least send an admonitory rescript to the counties, but His Majesty was made to reply, in a Royal rescript dated November 4, 1844, that such a proceeding was not necessary, the affair being already in the hands of justice. Yet at this very time when the Royal rescript was issued, the Transylvanians were ordered by the Government, or at least instigated by the agents of the Government, to oppose any measures that might be taken for the effective reincorporation of the counties.

“What need I say more? I have placed the facts before you, it is for you to draw the necessary conclusions from them. It will be for the nation to decide how long we are still to endure a Government, by whose unconstitutional acts, the legislative, the executive, and the judiciary powers of the State have been utterly degraded. How long? Can I ask the question? Oh, if such acts can be any longer tolerated—tolerated too, at a period when despotism quails before the renascent spirit of freedom, and nations benumbed into decrepitude, re-acquire their pristine vitality, I shall despair of my country. (Enthusiastic cheers.)

Kossuth then proceeded to say, that having, he trusted, fully shown that this Reincorporation question constituted one of the grievances of the nation, he should conclude by pointing out the way in which this grievance might be remedied. Now they might seek

redress in the usual way by means of a representation to His Majesty ; but as both parties appeared to be sincerely desirous of making the present Diet a Reform, and not a Gravaminal Diet, he should not advise the House to have recourse to this somewhat worn-out method. They had in fact had too many Gravaminal Diets. Repeatedly had they laid before the Throne a long list of national grievances, and yet how few, how very few of these grievances had been redressed. He was therefore of opinion that they ought to seek redress, in the first instance, at least, by means of a Palatinal intermediation. One of the brightest prerogatives, one of the most pleasing duties of an Hungarian Palatine, was that of being the mediator between the Throne and the nation ; and Hungary now possessed a Palatine elected by the general acclamation of the nation, and of whom the nation had every reason to be proud.

After citing several instances to show that such a Palatinal intermediation was not an unprecedented way of proceeding, he proposed that in a nuncium in which all the facts relating to the question should be amply stated, they should desire the Magnates to concur with them in requesting the Palatine to make the grievance which they had sought so long to have redressed, the object of his special mediation ; this mediation to be effected in a manner that would insure the speedy and full execution of the Act 21 §, 1836, the principal point claiming the attention of His Imperial Highness, being to have the reincorporated counties withdrawn from their dependence on the Transylvanian administrative and judiciary departments, and placed under the Hungarian Vice-Regal Council and the Royal courts of justice, without further delay. Kossuth concluded his speech by remarking that the effective reincorporation of these counties would greatly facilitate the union of Hungary and Transylvania, a union which had so long formed one of the most ardent wishes of both nations. He had proposed a Palatinal intermediation, in the hope that this Reincorporation question might thereby be brought to a favourable issue. It would be needless for him to observe that if they should be disappointed in this hope, much more energetic measures must be had recourse to ; for whatever might be the consequences, he, for one, was determined not to let the matter rest until every clause of the Act 21 §, 1836, had been fully and effectively put in execution. (Enthusiastic cheers.)

Kossuth's motion was seconded by Babarczy [Babartsy], Delegate of the county of Csongrád [Tshon-grahd], one of the Conservative or Government counties, who declared that by so doing he acted in strict conformity with his instructions, the county of Csongrád regarding the non-execution of the Act 21 §, 1836, as a serious grievance. Several obstacles might and no doubt did exist to render the execution of this Act a work of some difficulty ; he was however

obliged to admit that, whatever these obstacles might be, the non-execution of a Dietal Act sanctioned by the Sovereign might unquestionably be regarded as constituting a national grievance.

Babarczy further observed that although he differed from the honourable Delegate of the county of Pesth on several points, and thought that many of his accusations against the Government were unfounded, still, as he wished to avoid giving rise to the discussion of a question respecting the main points, of which he believed there could be only one opinion, he should second the honourable Delegate's motion, the more so as a Palatinal intermediation was a strictly constitutional way of seeking redress for a national grievance. (Loud cheers.)

Szemere [Sem-er-y], l'ázimándy, and several other Delegates of the Liberal party who had signified their intention of speaking on the question, on hearing this declaration of Babarczy, desisted from their purpose. Kossuth's motion was accordingly carried by general acclamation. The chairman for the day (it was of course a Circular sitting), Sigismund Bűkk, who is Szemere's co-Delegate of the county of Borsod [Borshod], then rose and said, that in the life of a people as in the life of an individual there were moments that ought to be held sacred. On that day the House had unanimously passed a resolution respecting the non-execution of a Dietal Act sanctioned by the Sovereign, and shown thereby that however parties might differ in their views and opinions, these parties coalesced and appeared as the united Representatives of the nation whenever a question of such vital importance as that under discussion was brought before them. In his opinion the hallowed moment in which this unanimity prevailed ought not to be profaned by the discussion of any other question, and he should therefore move that the House "do now adjourn." This motion was carried.

The nuncium drawn up in conformity with Kossuth's motion was read at a Dietal sitting of the Delegates on February 12. It is a very long document, giving an account of all the transactions relating to the reincorporation of the counties, and showing, frequently in very strong terms, the culpable negligence of the Government in not putting the last Dietal Act on the subject in execution. It is in fact Kossuth's speech in another form.

After the nuncium had been read, the "Personal" endeavoured to exculpate the Government, saying that he could not admit that the Hungarian Government was under an anti-constitutional and anti-national influence, and contending, moreover, that there was no real difference of opinion between the House and the Government respecting the Dietal Act 21 §, 1836. Both, he said, were willing to put the Act in execution; they only differed as to the most expedient manner in which this might be effected. He was therefore of opinion that

they ought not to request the mediation of His Imperial Highness the Palatine, as recourse should only be had to a Palatinal inter-mediation when a question was in *ultimo stadio*, which with the present question was not the case.

Kossuth said that in reply to the somewhat singular arguments which it had pleased the "Personal" to make use of, he should simply refer the honourable and learned gentleman to the nuncium, in which such arguments were amply refuted by stubborn facts. This nuncium had been unanimously adopted in the Circular sitting, and he trusted that the same unanimity would prevail in the present one.

After Somsich [Shom-sich], Delegate of the County of Baranya, and the "Personal" had made a few more observations, the latter put the question, Whether the House would adopt the nuncium as it stood? and was answered by a general cry of "Maradjon" (Let it remain as it is).

This resolution was duly announced by the "Personal" declaring that "the nuncium respecting the re-incorporation of the Transylvanian counties, drawn up in conformity with a motion made by the honourable Delegate of the county of Pesth, in a Circular sitting on January 14, had been adopted in the present Dietal sitting, *nemine contradicente*."

THE COMITATAL ADMINISTRATION QUESTION.

On February 1 a Mixed sitting was held for the purpose of hearing read a Royal rescript which the Palatine had brought with him from Vienna.

This document, drawn up in the usual Chancery style, is entitled, "Royal Rescript respecting the measures relating to Comitatal Administration, taken since the last Diet."

The 5 sentences of which it consists may be rendered as follows:—

"We, Ferdinand, by the grace of God, &c.

"The so-sincerely desired and lovefully-fostered welfare and prosperity of our cherished Kingdom of Hungary, form much too essential a part of our constant Royal solicitude, as that under those objects which exercise in any manner whatsoever, an influence on this solicitude, we should not have directed our attention to those griefs and doubts which have arisen in respect to Comitatal administration, on account of the measures we have taken since the last Diet, namely, the numerous nominations, in divers jurisdictions, of administrators of Lords-Lieutenant—nominations called for by existing exceptional relations, and which, owing entirely to a misconception of our paternal intentions, have caused a so-much-to-be-

regretted irritation, and in some jurisdictions even a retardment of the public administrative service. The impression which this has made on our paternal heart is the more painful, because, since the first moment of our reign, we have regarded the inviolate maintenance of the ancient Constitution, and the spotless preservation of the Comitatal system on which it is essentially grounded, as well as the strict observance of the national laws, especially of the 10th Fundamental Article of the year 1790, as the most sacred and inviolable of our Royal duties; and we feel this the more profoundly and intensely, from the conviction that as by the above-mentioned measures our sole and unique object was to attain, through a moderately progressive development, to a salutary result in the Comitatal and Regnicolar administration, the legal bounds of the executive power of the State have not in the least degree been overstepped. This experience nevertheless increases our legitimate pain, since the fears caused in the manner before mentioned, and the erroneous idea that—contrary to the Dietal Act 56 §, 1723—a change in the Comitatal administrative system, sanctioned by national laws, was contemplated, not only still prevails in several jurisdictions, but appears also to exercise such a detrimental influence on the course of the present Diet, that the effective solution—by us so ardently desired—of the grave questions belonging to the domain of legislation, will be thereby rendered much more difficult. As it is, however, the most ardent wish of our parental heart, that between our Royal Throne and our beloved Kingdom of Hungary no griefs of any kind whatsoever be suffered to take root, but, on the contrary, be stifled in their germ, we have, in a feeling of legality, turned our steps, as well as those endeavours directed solely to the public welfare, effectively to remove these fears, which, although without any just grounds, still in point of fact exist and are entertained by our loyal subjects, and also to appease the irritation in the public mind; and therefore, moved by the impulsions of our own heart, wish hereby to assure you that by the recent nominations of Administrators of Lords-Lieutenant,—which, although founded on a century's usage, have been owing to the exigency of peculiar circumstances, more numerous than on ordinary occasions, neither the legitimate position of the counties has been changed, nor the sphere of action of their Lords-Lieutenant infringed, nor any kind of a novel system, at variance with the spirit of the Dietal Acts 56 §, 1723, and 10 §, 1790, introduced, nor the declaration made in the Royal Rescript of May 28, 1827, sub No. 6888, set aside; but that the principal object desired to be obtained by these nominations was, that under the more vivacious manifestations of public life occasioned by the progress of time, the Regnicolar administration, rendered itself more difficult by peculiar local relations, should be placed in a more legitimate activity, and the

Comital administrative and judiciary functions that form its chief condition, should, in conformity with the spirit of the Dietal Act 56 §, 1723, by which these functions are subjected to the constant control of a chief Administrator, be more strictly, accurately, and effectively exercised; and also at the same time that by the removal of various obstacles which several Lords-Lieutenant had to encounter in consequence of personal and official relations, the chief Administrator of a county, in respect to the thorough fulfilment of the duties of his station, should be placed in a position to respond, in the fullest sense of the term, to the salutary enactments of the above-mentioned law. Be you, therefore, beloved and faithful States, again assured that, for the Government of our cherished Kingdom of Hungary, and for the progressive development of its social institutions, we desire nothing so much as to act constitutionally; and it is precisely because our paternal intentions are far removed from attempting to evade the laws of the land, that, in strict adherence to the sense of the Royal Rescript of May 28, 1827, sub. No. 6888, we hereby declare that it is our firm resolution to reserve the nomination of Administrators of Lords-Lieutenant for exceptional cases, and at the same time to maintain in full vigour the ancient Comital administrative system, as well as the legitimacy of the dignity of Lord-Lieutenant, and, so soon as the above-mentioned obstacles shall be removed, everywhere to replace the Lords-Lieutenant in the full exercise of their legitimate functions; and we moreover confidently expect that after this our Royal declaration respecting measures taken solely with a view to insure the real welfare of our beloved Kingdom of Hungary, and not in the least deviating from the legal path, that, liberated from that anxiety which had arisen in the minds of many, and inspired by sentiments of filial confidence, you will, keeping before you the Dietal Act 13 §, 1790, direct with impartiality your patriotic endeavours to those grave legislative questions, in the favourable solution of which we perceive the grounds for the future prosperity of the country, and the realization of the most ardent wishes of our paternal heart.

“ Given in our city of Vienna in Austria, January 30, 1848.

“ With Imperial Royal grace we remain, &c.

“ COUNT GEORGE APPONYI.

“ FERDINAND.”

“ EDUARD ZSEDENYI.”

The rescript was read at a Circular sitting on February 5th, the 3 days previous to which the House did not meet, both parties being engaged in conferences on the subject, neither of them being at all satisfied with the rescript; the Conservatives, because they regarded it as too great a concession to public opinion; the Liberals, because they saw in it nothing but a vague promise never intended to be

fulfilled. In this respect, however, a difference of opinion prevailed among the Liberals, which became apparent at the sitting.

Szentiványi, first Delegate of the county of Gönör, rose and said that although the rescript was far from being as satisfactory as he could have wished, he would nevertheless regard it as a step towards restoring that confidence between the Throne and the nation which had been all but utterly destroyed. He should therefore move that they should, in their representation, express their thanks to His Majesty for having at heart the maintenance of the Constitution, and for his intention of replacing the Lords-Lieutenant in the exercise of their legitimate functions, but, at the same time, should state that their anxiety was far from being groundless, and that whilst His Majesty's promise afforded them great satisfaction they must humbly request that this promise be realized during the present Diet by the total abolition of the system of Comitatal administration recently introduced, intimating, at the same time, that on this condition, they would abstain from entering into a special examination of the national grievances, and follow the path of moderation which they had hitherto pursued, with the hope that the favourable solution of the questions submitted to them might thereby be greatly facilitated, and the results anticipated by His Majesty obtained.

Lónyay, 1st Delegate of the county of Beregh (also a Liberal county), said, that as he differed in some respects from the honourable Delegate of Gönör, he should move that they should state in their representation, that although the numerous nominations of administrators had caused a considerable degree of anxiety to prevail, they would not dwell any longer upon the subject, as His Majesty had been graciously pleased to assure them that he regarded these nominations as exceptional cases, and that it was his firm intention to replace the Lords-Lieutenant in the exercise of their legitimate functions. Relying with confidence on this assurance they would proceed to the consideration of the questions of social reform with the hope of arriving at a favourable result.

Somsics [Shom-shitch], first Delegate of the county of Baranya (a Conservative county), said that although he and the party to which he was proud of belonging, could not perceive anything like a grievance in the administrative system which had been so violently and unjustly attacked, and therefore regarded the Royal rescript as in some measure superfluous, he should nevertheless vote for the motion of the honourable Delegate of Beregh.

Kossuth then rose amidst the most enthusiastic cheering, and attempted to show that the new system of Comitatal administration constituted a national grievance. This system, he said, was anti-constitutional in its tendency, not only on account of the nomination

of 30 salaried administrators, but also because those Lords-Lieutenant who had been suffered to remain at their posts, from motives which the House would know how to appreciate, were obliged to perform duties incompatible with their legitimate functions. A Lord-Lieutenant, by virtue of various Dietal Acts, was not entrusted with the administration of his county, but had merely the chief inspection over the magistrates in whose hands this administration had been exclusively placed, both by law and long-established usage. Another anti-constitutional feature of the system was the practice, that became every day more prevalent, of transmitting the instructions, ordinances, &c., of the Government to the counties through the Hungarian Chancery in Vienna; whereas it was needless for him to observe that the Hungarian Viceregal Council was the only supreme administrative authority which the counties were bound to recognize.

Kossuth then gave a sketch of the present state of Europe, and observed that they no doubt might take advantage of the critical position in which Austria was placed by the stirring events that a despotic system of policy had given rise to, but he would not deviate from the path which his party had hitherto followed. He would place his reliance on the known rectitude of His Majesty, and, above all, on the Constitutional spirit that animated their beloved Palatine—a Palatine who had identified himself with the nation, whom the nation was justly proud of possessing, and under whose enlightened guidance they would never despair. (Loud cheers.) His party, he said, had shown during the present Diet, that they were sincerely desirous of meeting the views of the Government, whenever those views were grounded on Constitutional principles, and the best proof of their moderation was the motion of the Delegate of Gömör, to which he should lend his support.

After a few more speeches the voting commenced, the votes in favour of the Gömör motion giving rise to loud cheers from the galleries, while those for the Beregh motion were received by groans, hisses, and other signs of popular disapprobation.

When Bihar was called on for its vote, Reviczky, second Delegate of the county, voted for the Beregh motion, upon which Papszász, the first Delegate, rose, and said that Bihar was known to have been for centuries one of the most Liberal counties in the kingdom, and he rejoiced to say that in spite of the manœuvres of a contemptible clique, it still continued to be so. He should therefore support the Gömör motion, and by so doing annul the vote of his colleague.

Two other counties (Veszprém and Csanád) abstained from voting. The final result of this stormy voting was that each motion was supported by the votes of 23 counties; on which the Delegate of Croatia (whose right of voting is contested by the Opposition) gave his vote

in favour of the Beregh motion, which was consequently carried, to the great disappointment of the Liberals.

An indescribable scene of confusion ensued. Hot words passed between several of the Delegates (in consequence of which 2 duels were fought the next morning), and the chairman tried in vain to restore something like order. When the uproar had somewhat subsided, Kossuth rose and said that it was a notorious fact that 30 counties had declared Count Apponyi's system of Comitatal administration to be a national grievance. How several honourable Delegates could therefore reconcile their votes for the Beregh motion with their consciences, he would not pretend to say. He would merely observe, that if the Conservatives regarded the result of this strange vote as a triumph, they would find themselves sadly mistaken. The Liberals possessed a power which they had hitherto refrained from availing themselves of, but moderation had its bounds. Let those who forced them to quit the path they had hitherto followed, beware.

Simon [She-mon], first Delegate of the county of Soprony (Oedenburg), frankly avowed that he had voted contrary to his instructions, as those instructions were drawn up at a congregation in which the Liberals obtained a factitious majority by a party manœuvre, and he was persuaded that his present vote would be approved of at the next congregation that was held under more favourable auspices.

Szemere, in a speech that was listened to, as usual, with profound attention, commented on the Royal rescript, phrase by phrase, in order to show that it contained no definite promise. When certain obstacles were removed, the Lords-Lieutenant were to be replaced in the exercise of their legitimate functions. What were these obstacles? He found them nowhere specified. He only found that several Lords-Lieutenant had to encounter these undefined and indefinable obstacles, "in consequence of personal and official relations," which was the enunciation of an anti-constitutional principle that deserved their serious attention. He had always disapproved of the system that had so long prevailed, of furnishing Delegates with instructions, and the voting that had taken place showed but too clearly the futility of the system. Instructions might be given, but honour and patriotism could not be infused by a written piece of paper.

After a long altercation, the debate was adjourned until the following Monday, (the 7th,) without any resolution having been pronounced by the chairman.

The debate was continued on the 7th and 8th, without leading to any result, although several Delegates who had voted for the Beregh motion now supported a kind of mezzo-termine motion made by Tomcsányi, first Delegate of the county of Békés.

On the 9th no sitting was held. The House met on the 10th, but adjourned without proceeding to business. The Liberals meanwhile held frequent conferences. On the 10th, Kossuth and the Delegates of Gömör, Beregh, and Békés, met in the house of Szemere, when Szemere drew up a representation which it was finally agreed should be supported by the whole Opposition.

This representation was read the next day at a Circular sitting, and ordered to be printed.

In this sitting Lónyay made an exculpatory speech in justification of his conduct, for which he had been severely reproached by the Liberals. He had worded his motion, he said, in the most moderate terms possible, as he was sincerely desirous of following a conciliatory line of policy in respect to the Government, and bringing at least the most important questions submitted to the present Diet to a satisfactory conclusion; for if they should again return home without having remedied any of the evils under which the country had so long laboured, and the hopes of the nation were again disappointed, he for one would not answer for the consequences that were likely to ensue.

In the Circular sitting of February 12th the printed representation was read, after which every one appeared to be extremely anxious to hear what the Delegates of Beregh would say respecting it, whereupon Szintay, the second Delegate of Beregh, rose, and declared in the name of his county that he fully approved of the representation.

Kossuth also supported the representation, and again attempted to show the anti-constitutional tendency of Count Apponyi's system. All orders, decrees, &c., respecting Comitatal administration ought, he said, to emanate from the Vice-Regal Council, and be addressed not to the Administrators, nor even to the Lords-Lieutenant, but to the counties themselves. This fundamental principle of the Constitution had not been infringed even during the absolute reign of the Emperor Joseph, whereas Count Apponyi sent his instructions direct from the Hungarian Chancery without even the knowledge of the Vice-Regal Council and not to the counties, but to the salaried Administrators of these counties. And from what source did these Administrators receive their salaries? That was not known officially even to the Vice-Regal Council. While the Lords-Lieutenant were performing their legislative duties in the Upper House their salaried Administrators were agitating in the counties in order that supplementary instructions drawn up in the interest of the Conservative party might be sent to the Delegates. The whole system was decidedly anti-constitutional, and if he and his party were forced to make this a Gravamina Diet the whole blame would rest on the Conservatives; for whatever might be the consequences, and in the present state of Europe he would not venture to predict what those consequences

might be, the Liberals, supported as they were by the voice of the nation, were fully determined not to suffer such an odious and pernicious system to take root.

Somsich and several other Conservatives declared that their principles would not allow them to support the representation that had been read to the House.

When the voting took place, the representation was carried by a majority of 13—31 counties voting for and 18 against it, being adopted.

A Dietal sitting was then held, when the "Personal" endeavoured to persuade the Liberals to strike out several phrases in the representation. He was however answered by a general cry of 'Maradjon,' and was finally obliged to announce that the decision of the Circular sitting had been confirmed.

The representation was accordingly transmitted with a nuncium to the Magnates. It is worded as follows:

"May it please Your Majesty, &c.

"As the anxiety that prevails in the country on account of the measures taken since the last Diet respecting the office of Lord-Lieutenant—the duties of which had already been strictly defined by the Dietal Act 56 §, 1723,—and also respecting the Comitatal Municipalities—the rights of which had been guaranteed by the Act 36 §, 1536—is intense, we have seen, with a commensurate feeling of thankfulness, by the Royal Rescript of January 30, that, moved by the impulsions of your paternal heart, your Majesty's Royal cares are directed to the allayment of this anxiety; and that it is your Majesty's Royal will and intention to maintain the Comitatal Municipalities in their lawful vigour, under the chief inspection of their Lords-Lieutenant, in conformity with the provisions of the Dietal Act 56 §, 1723; and to restore the office of Lord-Lieutenant to its legitimate dignity.

"In consequence of that grateful confidence which we feel for this expression of your Majesty's Royal intentions, we shall now willingly abstain from entering into an examination of the circumstances by which this anxiety has been caused; and, relying on the sacredness of the Royal word, shall await, with sincere confidence, the effective execution of your Majesty's Royal will; and we moreover declare, in a spirit of humble loyalty, that the above-mentioned measures being set aside as incompatible with the fundamental Articles 70 and 12 §§, 1790, we trust and expect that the supreme Comitatal administration will be exercised by the Vice-Regal Council in such a manner that the Royal rescripts, decrees, &c. be addressed to the counties themselves; and that the right which the counties possess of sending representations to the Throne, as well as all other

Comital rights and privileges guaranteed by the Act 58 §, 1790, be fully maintained.

“ We moreover finally request,—the office of Lord-Lieutenant having been restored to its legitimate dignity, and especially the chief inspection over the political and judiciary administration of counties exercised by Lords-Lieutenant, kept within the limits prescribed by the Act 56 §, 1723,—that the constitutional opinion expressed in the Dietal Representation of April 3, 1827, which gave rise to the Royal Rescript of May 28, 1827, in which the nomination of administrators is regarded as a grievance, be taken into consideration.

“ Since the commencement of your Majesty's reign, we have been convinced that the faithfulness shown by your Majesty in maintaining the laws, affords us the best guarantee for the maintenance of our Constitution and of the Comital system on which this Constitution is essentially grounded.

“ Animated by this conviction, we hereby humbly beseech, with sentiments of sincere loyalty, that your Majesty may be graciously pleased to fulfil our just requests above mentioned, in conformity with the Act 13 §, 1790; and speedily to afford us, in this respect, the consolation required.

“ Trusting, with inflexible confidence, in the fulfilment of these our just requests, we regard it as our duty to offer your Majesty the expression of our sincere thanks for the fresh Royal guarantee for the maintenance of the laws and the constitution that will thus be afforded; and this the more as we have learned with great joy from the Royal Rescript, that in the favourable solution of the grave questions brought before the present Diet, your Majesty perceives the foundations for the future prosperity of the kingdom, as well as for the fulfilment of the most ardent wishes of your paternal heart; to contribute to which, by all the means in our power, we shall regard as our most sacred vocation.

“ The confidence and affection of the people form the support of the Throne; the confidence and affection of the Sovereign, the glory of the people; the union of the will of the people and the will of the Sovereign, the power of States.

“ Your Majesty's gracious Royal Rescript is designed to calm a prevailing anxiety, while it serves at the same time as a gage that questions, the consideration of which have become imperatively necessary, will be brought to a favourable issue on principles strictly constitutional; and this pleasing conviction will be afforded to the undying affection of the nation when your Majesty is thoroughly persuaded that the loyal land of the Magyars will ever be, as it ever has been, and is now, the firm and inflexible support of the Throne of its Sovereign.

“ It is thus that the views of the Sovereign and the wishes of the

nation will coalesce—the kingdom be free and powerful—the Government of your Majesty mighty and glorious.

We remain, &c.

(Inclosure 3.)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, March 3, 1848.

It is needless for me to inform your Excellency that the news from Paris has caused the greatest sensation here. It has also had the effect of forcing the Hungarian legislators to quit the tedious routine with which the Dietal proceedings are conducted.

The Delegates went on leisurely with the co-ordination of the Free Towns' Bill; but when the news arrived (on Wednesday) of the revolution in France, they saw that some decisive step must be taken. Frequent conferences were accordingly held yesterday by both parties. Count Stephen Szechenyi proposed that they should proceed in a body to the Palatine, and request him to make known their wishes to His Majesty; but this proposal was not listened to. It was finally decided that Kossuth should make a motion to-day to the effect, that in a representation to His Majesty they should express their sentiment of loyalty, attachment to the Imperial dynasty, &c., but at the same time intimate that the system of policy hitherto pursued must be entirely changed; for which purpose they should request His Majesty to appoint, without delay, a certain number of men in whom the nation could place confidence as members of the Vice-Regal Council; that these Councillors should forthwith attend the Diet, in order that the questions under discussion might be terminated in a few weeks without going through the tedious routine of representations, Royal Rescripts, &c.; and that the said Councillors should afterwards be intrusted with the execution of the laws and be responsible to the Legislature; which is, in plain language, demanding a responsible Ministry of the Liberal party.

The reason they adopted this way of proceeding is, that, *de jure* though not *de facto*, the Members of the Vice-Regal Council are responsible to the Diet for their official conduct. If, therefore, His Majesty should name, say 6 members of the Liberal party, Vice-Regal Councillors, and each of them be charged with the execution of laws relating to a special branch of the administration, Hungary would possess a responsible Ministry under another name—a circumstance which, it is hoped, may induce the Austrian Government to comply with the request.

At a conference held yesterday evening the Conservative Delegates agreed to give their tacit support to the motion, or, in other words, that the motion should be carried, without a single observation being made from either side of the House, by general acclamation.

A Circular sitting was accordingly held this morning at half-past 10. Kossuth made a very animated though moderate speech; the motion was carried by acclamation, and before 12 o'clock the sitting was over.

The representation was sanctioned at a Dietal sitting held this evening and to-morrow will no doubt be assented to by the *Magnates nem. con.* and transmitted to the Hungarian Chancery.

The *Magnates* held a short sitting this morning, after which the Palatine left for Vienna, no doubt to urge the necessity of the Austrian Government complying with the demands of the Hungarian Liberals. Meanwhile Dietal business is of course quite neglected; every one is anxiously waiting for an answer to the representation, and also to see what steps England will take in the present conjuncture of European affairs.

This morning there was a complete panic here in respect of the Austrian bank notes. It was impossible to get a five-florin note changed in any of the shops without purchasing something, whereas at other times the shopkeepers are very glad to get rid of their silver. However, this afternoon a good round sum in *zwanziger* has arrived from Vienna, which has somewhat allayed the panic.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(*Inclosure 4.*)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, March 9, 1848.

I HAVE the honour to inclose a continuation of the summary, together with a translation of the representation voted by the Delegates, as stated in my despatch of March 3rd. After being duly sanctioned at a Dietal sitting, the representation was read at a sitting of the *Magnates*, held at 12 o'clock on the 4th, when the *Judex Curie*, Count George Mailath (President of the Chamber in the absence of the Palatine), requested them to wait until the return of His Imperial Highness from Vienna, before they took such an important document into their consideration, the more so as a satisfactory result could only be anticipated by His Imperial Highness' mediation. After a few remarks from Count Louis Batthyany, the House assented to the proposal of the *Judex Curie*.

The Palatine, the *Judex Curie*, Count Stephen Széchenyi, and several other Vice-Regal Councillors, are holding conferences at Vienna with the Austrian Ministers, which some of the Liberals here hope will lead to a satisfactory result.

The steamer that arrived here this evening brought 30 kegs, each containing 1000 C.M.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(Inclosure 5.)—*Continuation of Proceedings of the Hungarian Diet.*

THE URBARIAL QUESTION.

THE nuncium respecting the appointment of a Dietal committee to inquire into the Urbarial laws came before the Upper House on February 3rd. This nuncium was drawn up in conformity with the resolution passed by the Delegates on December 4th (see page 10), that the proposed law should only be coercitive for the landlords. Most of the leading Magnates, Liberals as well as Conservatives, expressed their disapprobation of this principle. Count Anthony Szápáry and a few others wished to make the law coercitive for both parties; but by far the greater number who spoke on the question were of opinion that a permissive law would be more desirable than a coercitive one.

Baron Nicholas Vay spoke in this sense, contending that if the law was coercitive, it ought unquestionably to be coercitive for both parties; but was of opinion that, under existing circumstances, the most appropriate course they could pursue would be to extend the provisions of the Act 7§, 1840 (14), that is to say, to afford greater facilities for the commutation of the Roboth by the mutual agreement of the parties concerned; only rendering the law coercitive for both parties in some particular cases which the Committee would have to point out in their report. He should therefore move, that in their renuncium they should state their willingness to agree to the appointment of a Dietal committee on the above-mentioned conditions; the attention of the Committee to be chiefly directed to the removal of the existing obstacles in the way of commutation by mutual agreement, and above all to the most expedient manner of raising the capital required for the commutation or redemption of the Roboth in a way that would afford full compensation to the landlords without ruining the peasants; for which purpose the Committee would have to take into consideration the expediency of establishing hypothecary banks, and appointing an impartial Urbarial commission for the equitable adjustment of all claims and demands which the commutation or redemption might give rise to.

Baron Vay's motion was supported by the leading members of both parties, Conservative and Liberal, the only difference of opinion being on minor points, which it was agreed they would be better able to discuss when it was agreed the bill, founded on the report of the proposed Committee, should be submitted to their consideration.

Count Anthony Szecsen informed the House, that the commutation of the Roboth was an admitted principle which it was highly essential, for the welfare and prosperity of the country, should be carried out to its full extent. The application of an admitted principle required, however, great caution on the part of the Legislature. Now the

application of the principle of the commutation of the Roboth would have, in his opinion, to go through 3 stadia. The first was what might be termed the permissive stadium, that on which they had entered by the Acts 8 §, 1836, and 7 §, 1840. The third was the coercitive stadium, when both parties were compelled by law to enter into contracts for the commutation or redemption of the Roboth and other Urbarial services. The middle point was the stadium on which the question then stood, and which might be regarded as a transition period from the permissive to the coercitive stadium. Each stadium imposed certain conditions on the Legislature, which could not be infringed without dangerous consequences. To make the proposed law merely permissive would be to return to the first stadium; to make it strictly coercitive would be to enter the third stadium without having passed through the second; but as they were then in this second stadium, they would necessarily have to comply with the conditions it imposed; and these conditions were, in his opinion, that the law should continue permissive with an extension of the provisions of the Acts passed in the first stadium of the question, and only be rendered coercitive for exceptional cases. He should therefore vote for the motion of his Excellency the Crown Warden. (15.)

The celebrated Lonavics (vitch), Bishop of Csanad (Tsha-nahd), also supported Baron Vay's motion, and observed that it was erroneous to suppose that the clergy were averse to the commutation of the Roboth. He could assure the House that the contrary was the case, and that the clergy would always be ready to support any measure that tended to ameliorate the condition of the peasantry.

Baron Vay's motion being thus supported by both sides of the House, was carried without a division.

A renuncium drawn up in conformity with the motion was read and authenticated (16) in a sitting held on February 10.

THE FAMINE QUESTION.

It would appear that for some time past, famine, with its usual attendant the typhus, has been severely felt in several of the northern counties of Hungary. Now the Diet met on November 12, probably when the distress caused by this scourge was at its height; still no one thought even of alluding to the subject until after the Christmas recess, when (January 11) one of the Delegates brought the question before the House, and moved that a Committee should be appointed to devise a remedy for the evil. The Delegates of the counties in which the famine prevails showed how necessary it was that speedy succour should be afforded to the starving population, and complained bitterly of the general inattention of the House when such an important question was under discussion.

Gabriel Lónyay, first Delegate of the county of Zemplen, observed that the honourable Delegates seemed to regard the discussion of the question as a mere pastime, as something to occupy themselves with until the hour of dinner. Some, he said, flippantly remarked that the Government ought to take the necessary measures for remedying the evil; others were for appointing a Committee, but they ought themselves to take the subject into serious consideration, the Government being obviously unable to do anything effectively without the aid of the Legislature.

Notwithstanding Lónyay's cogent arguments, the Delegates passed a resolution, to the effect that a representation should be sent to request that His Majesty would be graciously pleased to order that effective measures be taken to remedy the evil.

A representation was accordingly drawn up and sanctioned at a Dietal sitting held on January 27th. This representation was not brought before the Upper House until February 10th, when it was adopted without discussion, but the renuncium to inform the Delegates that this had been the case was only authenticated on February 18th.

HUNGARIAN LANGUAGE AND NATIONALITY BILL.

This Bill, of which mention has previously been made was passed at a Dietal sitting of the Delegates on January 15th. It contains eight clauses or paragraphs.

The first is merely the insertion of a fact, stating that His Majesty having been graciously pleased to assure the Diet that care had been taken to have the members of the Imperial Family duly instructed in the Hungarian (Magyar) language, this assurance had been inserted in the Act as a guarantee for the future.

The other clauses are imperative.

The second, decreeing that Hungarian (Magyar) be exclusively used as the official language of every department of the State, civil and ecclesiastical, with the exceptions mentioned in § 5, 6, 7. Official documents drawn up in any other language to be invalid.

Third. The Hungarian language to be also exclusively used for public instruction in all the schools, colleges, and universities in the kingdom.

Fourth. All Hungarian coins and seals of office to bear Hungarian devices and inscriptions in the Hungarian language. The vessels of the Hungarian Littoral to bear exclusively the Hungarian flag (consequently not the Austrian).

Fifth. The 3 Slavonian counties to be still allowed to make use of Latin and the Hungarian Littoral either of Latin or Italian, for the space of 6 years, commencing with the close of the present Diet, but only for local (Comitatal) affairs.

Sixth and Seventh. The provisions of § 2 to be only extended to the *Partes Adnexæ* (Croatia), in so far that the authorities of the *Partes* (the Croatian authorities) will have to correspond with the Hungarian authorities in the Hungarian language, but are permitted still to make use of the Latin language for the administration of local affairs.

Eighth. The provisions of § 3 not to extend to the *Partes*, but the Hungarian language to be taught in all the public schools of the *Partes*.

This Bill gave rise in its progress through the House to very warm debates, that is to say, to the usual conflict between Magyarism and Slavism that takes place on such occasions; the former, of course, domineering by an overwhelming majority. In respect to votes, Magyarism may be said to be represented in the Lower House by the 46 counties of Hungary Proper, and Slavism by the 3 Slavonian counties and Croatia,—the 3 Croatian counties only having one vote.

Ossegovich, the Croatian Delegate, neglects no opportunity of defending what he imagines at least to be the rights of Croatia. On the present occasion he contended that under the denomination *Partes* (*Partes Adnexæ*), which was consecrated by long usage, ought to be understood Croatia, Slavonia, and the Hungarian Littoral, which formed one kingdom, united with, but not dependent on Hungary; for this kingdom had its own Diet (the so-called Croatian Provincial General Congregation) and its own municipal laws and usages.

This was, of course, denied by the Hungarian Delegates, who cited various documents to show that the 3 Slavonian counties had always formed an integral part of Hungary, and that the phrase *Partes Adnexæ*, was only applicable to Croatia, in which sense it was to be understood in the Bill then before them.

Ossegovich also protested against the right assumed by the Hungarian Diet to decree what language should be made use of by the local authorities of Croatia for the administration of local affairs. Such a right, he contended, belonged, exclusively to the United Provincial Congregation (Diet of Croatia), and he would not suffer it to be called in question.

Both Ossegovich and the Slavonian Delegates complained of the injustice of forcing the Croatian and Slavonian authorities to correspond with the Hungarian authorities in the Hungarian instead of in the Latin language. The Hungarian Delegates answered by accusing them of agitating for a repeal of the Union, and attributing to them the secret design of forming an Illyrian Kingdom, either dependent on or independent of Austria, according to circumstances, which was, in fact, tantamount to accusing them of high treason. Notwithstanding the protest of the Croatian and Slavonian Delegates, the Bill was passed amid a general cry of "Maradjon."

When the third clause of the Bill was under discussion in the Circular sittings, Goldbrunner, Delegate of the free town of Schemnitz, tried in vain to show that an exception ought to be made in favour of the Schemnitz Mining Academy. This, he said, was one of the most celebrated institutions of the kind ever established, and was annually frequented by students from every country in Europe, as well as from America. If they persisted in making Magyar the exclusive language for public instruction, it was evident that the Schemnitz Academy would soon be deserted, as it could not be expected that foreigners who came to Schemnitz, to acquire a knowledge of mining, would take the trouble of learning an isolated Oriental language, which in their future career would not be of the least service to them.

"If Hungarians," exclaimed one gentleman, "are obliged to learn a foreign language when they frequent a foreign academy, why should not foreigners be obliged to learn Hungarian when they frequent an Hungarian academy?"

"But I defy you," rejoined Goldbrunner, "to find a professor capable of giving a lecture on mining and mineralogy in the Magyar language. You will first have to coin a number of technical words, which the language is at present totally devoid of."

"They shall not be wanted," replied the Magyarists.

"You ought also to take into consideration," said Goldbrunner, "the pecuniary advantage which the town derives from the residence of such a number of students."

"Let the town of Schemnitz perish, so that Hungarian nationality be preserved," was the only answer this German could get from the gentlemen he had to contend with.

The debate took place in the Upper House on February 4th and 5th.

When the Bill had been read, Bishop Lonovics rose, and after expressing in general terms his approbation of the Bill, observed that some of its provisions might perhaps be deemed rather too stringent, but on such a cherished and revered subject, this stringency could only be ascribed to a patriotic zeal in the sacred cause of Hungarian nationality, and in such a cause it was the bounden duty of the Magnates to vie in zeal with the Delegates. The first clause was exceedingly gratifying, as it would serve as a perpetual testimony of the patriotic sentiments by which the Imperial Family was animated. Their present beloved Monarch had done more for the propagation and cultivation of the Hungarian language than all the Sovereigns who had ever worn the ancient diadem of St. Stephen.

Respecting the second clause, he would merely observe, that the official language of the clergy should be understood to mean the language used in their correspondence with lay authorities and for

public documents, and not to be applicable to their correspondence with ecclesiastical authorities, or for documents relating strictly to the affairs of the Church. It was in this sense that he understood the provision, and he trusted that the Delegates would give it this signification.

To the third clause the Bishop proposed an amendment, with which the Delegates are delighted. They had inserted an exceptional clause, purporting that the language of public instruction for elementary schools should be left to the decision of the local authorities; whereas the Bishop proposed to confine this to the 2 lowest classes in these schools, and make it imperative that the upper classes should be taught in the Hungarian language, which, he said, would be the best way to Magyarize the towns that are still, in the eyes of the Hungarians, too German.

To the fourth clause, with its Hungarian coins, and seals, and tri-coloured flag, the Bishop said that he had nothing to object.

In respect to the sixth and seventh clauses, he thought that they would do well to allay the agitation that prevailed in Croatia, by showing that while they made use of all legitimate means in their power for the propagation of the Hungarian language, they would not adopt any measures that might be deemed hostile to the nationality of Croatia. He should therefore suggest that, in respect to the administration of affairs strictly local by the Croatian local authorities, the use of the Latin language should not be made imperative, but potential; the clause to be worded, not that "the Latin language shall be used," but that "the Latin language can be used," which would not exclude the use of the national idiom of Croatia, though no mention ought to be made of it in the Act.

Bishop Lonovics had been often interrupted in his speech by loud cheering from the galleries. Haulik, Bishop of Agram, who spoke after him in defence of Croatian nationality, was as often interrupted by hisses and other signs of public disapprobation. (17.)

Count Louis Batthyany (the leader of the Opposition) then rose, and said he trusted that the House and the galleries would listen to him patiently, and abstain from hissing, for he was aware that they would be too much inclined to receive what he was going to propose, with signs of public disapprobation.

"I fully concur," he continued, "in the opinions expressed by the enlightened Bishop of Csanad, and approve of every amendment suggested by his Excellency, with the exception of that relating to the 6th clause. Here I must differ from our patriotic prelate, for, in my opinion, it is neither reconcileable with sound sense, nor with sound policy, nor, least of all, with the principles of equity and justice, to force the Croatians to make use of a dead language. Such a proceeding will be an act of tyranny still unrecorded in the pages

of history, and expose us, and justly expose us, to the derision of the civilized world. Conquerors have frequently forced their own language on a subjugated people; but where shall we find an instance of a people having been compelled to make use of a dead language? I shall therefore propose that for the administration of their local affairs, the Croatsians be permitted to make use of the Croatian instead of the Latin language." (Marks of disapprobation from the galleries.) "I should, I must confess," continued the Count, "have hesitated in suggesting such an amendment to the 6th and 7th clauses of the bill, if I entertained the slightest fear respecting the Hungarian language and nationality; but this is far from being the case; our language has taken firm root in the country, and is no longer in danger. Our nationality is a *fait accompli*—a bright and glorious reality. It is to the development of our constitution, and not to our nationality, that our future efforts ought to be directed. Our nationality was for centuries a dream, a mere illusion—our constitutionality is so still. Let us therefore conciliate our Croatian brethren, and they will unite their efforts with ours to work out the regeneration of our common fatherland. The amendment I have suggested is a step that will surpass their most sanguine expectations, and if it be adopted, we shall no longer be reproached for our exclusive nationalism and liberalism."

Count Anthony Szécsén (the leader of the Conservatives) expressed his satisfaction at the speech they had just heard, and was overjoyed to find that he could give his cordial support to an amendment proposed by Count Louis Batthyany. He must however remark that the word "nationality" was susceptible of a distinction being made in its signification. It might be applied to designate either the language or the material power and independence of a people. It was in the former acceptance of the term that he should make use of it.

After a few more remarks Count Szécsén concluded by saying that he should vote for Count Batthyany's amendment to the 6th and 7th clauses, and for the Bishop of Csanad's amendments to the other clauses of the bill.

Count Zay, Baron Jeszenak, Count Ladislaus Teleky, Count Dominic Teleky, and Baron Louis Vay, all of them Liberals and Protestants, the Zays and Jeszenaks being Lutherans, the Vays and Telekys Calvinists, as well as Count Casimir Batthyany, Count Otto Zichy, Count Joseph Palfy, and in fact all the leading members of the Opposition, after eulogizing what they termed "the truly generous amendment proposed by their noble friend Count Louis Batthyany, regretted to say that they could not give it their support. They (the Hungarians or Liberals) had friends in Croatia (the so-called Magyar-Croatian party) whom they must not abandon. Hungarian

nationality was, they feared, not so deeply rooted in the country as their noble friend supposed.

Count Dominic Teleky asked what was the policy that England had pursued in respect to Ireland and Wales? Were the Irish permitted to make use of the Irish language or the Welsh of the Welsh language for the administration of their local affairs? By no means; in the United Kingdom of Great Britain and Ireland there was but one official language; the Parliament, the courts of justice, the Government offices, the army, the navy, knew no other language than English.

Count Otto Zichy said that he also could not concur with his noble friend in the opinion that Hungarian nationality was firmly rooted in the country. The towns were still German; German was still the language of social life. He continued by observing that in the 47 free towns and 53 market towns and free districts that possessed civic guards, not more than 40 or 50 of these corps had the Hungarian arms, though prescribed by a positive law, on their accoutrements; and there was only 1 regiment, that of which he had the honour of being the colonel (the Civic Guard of Raab), that possessed a tri-coloured flag, and that flag was presented to the regiment, not by an Hungarian lady, but by a high-minded and free-born daughter of Albion.

All the above-mentioned gentlemen declared that although they should prefer leaving the 6th and 7th clauses as they stood, still to show that they were also willing to follow a conciliatory policy, they would vote for the amendment of the Bishop of Csanad.

Busan, the Delegate of Croatia, (18) said that their nationality was as much cherished by the Croatians, as Hungarian nationality was by the Hungarians. Hungarian nationality was now triumphant; the Hungarian language was the official language of the country, and had been spoken from the Throne; and still they refused to make a just concession to the Croatians. The Croatians were grieved at the bitterness displayed in both Houses of the Diet against them; but what grieved them the most was, that the authorities of the Hungarian Littoral were allowed to make use of the Italian language, whereas the vernacular idiom of the Littoral was the Illyrian (Croatian); cries of "no, no." He was not the person to be put down by cries of no, no; he regarded these cries as the mere negation of a fact, and he should persist in maintaining, as his colleague had done in the Lower House, that the Littoral was an integral part of Croatia, and he presumed that, although Italian was spoken in the sea-ports, no one would pretend to deny that the bulk of the inhabitants were of the Slavonic race.

This assertion of the Croatian Delegate gave rise to the usual controversy respecting the true signification of the term "Partes

Adnexæ," and Magyarism and Illyrianism were again in violent conflict.

On the second day of the debate, Bishop Lonovics said that there was no essential difference between his amendment and Count Batthyany's; the latter was however the more explicit, and he should modify his own amendment by proposing that the words "the Croatian language may also be made use of," be inserted.

Count Emilius Dessewffy observed that 3 amendments had been proposed: one by the Bishop of Csanad, that "Latin can be used;" another, also by his Excellency, that "Croatian may also be used;" and a third by Count L. Batthyany, that "the Croatian language be used instead of the Latin." He must however remind the House that while they were deliberating whether Latin ought to continue, *de jure* at least, the official language of Croatia, the Croats had, *de facto*, made their own national idiom the official language for the administration of local affairs. He thought, therefore, that mention ought not to be made of any language, but that the clause should be worded "the language to be made use of for the administration of local affairs shall be left to the judgment of the local authorities."

When the Palatine had summed up the votes, he announced that the majority was in favour of the Bishop of Csanad's 2nd amendment, with the modification of Count Dessewffy. Count Ladislaus Teleky observed that this was a contradiction, whereupon the Judex Curie, Count George Majlath, showed that there was no contradiction, the Bishop of Csanad's amendment having been modified or replaced by Count Dessewffy's amendment, and it was obviously this modification, or, in other words, Count Dessewffy's amendment, that had been carried. He was therefore of opinion that the majority had pronounced in favour of Count Dessewffy's amendment of the 6th and 7th clauses, and of the Bishop of Csanad's amendments to the other clauses of the Bill.

This decision of the Judex Curie having met with the approbation of the House, a renuncium was ordered to be drawn up accordingly.

This renuncium was read and duly authenticated at a sitting on February 29th.

The Croats are thus allowed, that is to say if the Delegates agree to the amendment, to make use of a language which in point of fact they actually do make use of.

(Inclosure 6.)—Continuation of Explanatory Remarks.

14. The Hungarian serfs were emancipated from their thralldom in 1405 by a decree of Sigismund II, which allowed them free migration,

a decree which was confirmed, and its provisions extended by a Dietal Act passed in 1458. This Act was, however, annulled in consequence of the sanguinary insurrection that took place in the beginning of the 16th century, under George Dozsa; but free migration was again allowed by the Acts Ferdinand I, cap. 10, § 26, 27, 29, passed in 1547, and Maximilian I, cap. 1, § 27, in 1566. The condition of the peasantry was further ameliorated by the Urbarial Regulations introduced under the reign of Maria Theresa, regulations which, in 1791, obtained the force of law, and which were further extended by the Acts 8 §, 1836, and 7 §, 1840. In conformity with these Acts the Roboth may be commuted into a money rent, or even redeemed for perpetuity by mutual agreement of the parties concerned. However, notwithstanding these laws the Hungarian peasants have still much to complain of. It is on their property that county rates are exclusively levied, and that too in the most arbitrary manner imaginable; for the rates may be levied on the peasant's land or his live-stock, or any other kind of real property he possesses, as the county magistrates think proper. Thus, to cite one instance among a hundred—Eötvös, in his recent admirable work, entitled "Reform in Hungary," mentions that in a county in which the landed proprietors had begun to turn their attention to sheep-breeding, the rates were mostly levied on the peasants' flocks, in order that the petty nobles might thus prevent plebeian competition, and have a trifling advantage in the sale of their wool. A peasant's holding or session, as it is called, varies in extent according to the nature of the soil and local usage, but is fixed by the Urbarial laws at a certain number of acres in each county, the minimum being about 25, the maximum 65 English acres. A peasant may hold a whole session, a half-session, or a quarter-session. For a whole session he has to work—to do Roboth—104 days in the year, or 52 days with a team, for the lord of the manor, besides making the roads, such as they are, and performing other Urbarial services for the county. The lord of the manor also takes 1-9th of the produce of the session *in natura*, and the Church 1-10th. The lord has likewise the privilege of being the butcher and vintner of the manor, one of the consequences of which is, that in an Hungarian village inn the traveller is sure to find the worst wine of the district.

15. The ancient Crown of St. Stephen is kept in Buda, under the custody of a chosen guard of men and 2 officers of State, called Wardens of the Sacred Crown, who take precedence immediately after the 12 Barons of the realm, or grand dignitaries of the Crown. They must, according to law, be lay Magnates, either by birth or ex-officio, and elected by the Diet without any distinction as to religion. Two Protestants might consequently be elected to the office, but it is the established usage to elect a Roman Catholic and a Protestant. The

present Crown Wardens are the Noble Francis Urményi (a Catholic), and the nobleman Baron Nicholas Vay (a Calvinist).

It may not be irrelevant to remark that the Hungarian Crown is called sacred on account of the original diadem having been sent to King Stephen by Pope Sylvester in the year 1000,—the Pope, according to a popular legend, having received it direct from heaven by the hands of an angelic messenger. Koller, Grand Provost of Fünfkirchen, in an erudite work published in 1800, and entitled "*Commentarius de S. Regni Hungaria Corona*," has satisfactorily shown that the present crown consists of the conjoined fragments of 2 ancient crowns; the upper part being a fragment of the crown sent by Pope Sylvester, and the lower part a fragment of the crown sent to Geiza I by the Byzantine Emperor, Michael Ducas VII, as is apparent by the names and figures of both these Sovereigns being embossed on the outward rim.

16. The authentication of a nuncium means that the document was read to the House, and found to be strictly conformable to the resolution on which it was founded. During the reading of the nuncium, amendments in respect to style—no others being allowed—are frequently suggested and adopted, in which case the nuncium, when reprinted, has to be read a second time.

17. The galleries are open to the public, one in each House being reserved for the ladies. The side galleries are mostly filled by the Dietal jurists (*juraten*), few if any of them having gone through a regular course of jurisprudence. A jurist is in fact a kind of an apprentice, learning the profession of an Hungarian legislator. The jurist begins his career by attending the County Congregations. He is then sent to the Diet, where he learns to pick up a knowledge of Dietal business. On his return home he becomes a candidate for public employment; or is perhaps elected to the office of District Magistrate.

As the Delegates have to send regular reports of the Dietal proceedings to their respective counties—for in Hungary it is to the counties themselves that official documents are addressed—and are moreover in constant correspondence with these counties respecting the questions under discussion, each of them has 2 or 3 jurists (paid by the county, or honorary) in his service, who act as his secretaries and amanuenses. They are all of course nobles, and go to a Dietal sitting in the Hungarian costume.

18. Croatia sends 2 Delegates to the Diet, like an Hungarian county; but with this difference, that one of these Delegates has a seat and votes in the Upper House, while the other sits and votes in the Lower one.

(Inclosure 7.)—Representation respecting the Questions before the Diet, adopted at a Circular Sitting of the Delegates, March 3, 1848.

May it please your Majesty, &c.

THE events which have recently taken place make it our irremissible duty to direct our attention to what our fidelity to your Majesty's dynasty, our lawful relations with the united monarchy, and our duty to our country demands.

On taking a retrospective view of our history, we acquire the sad conviction that for the last 3 centuries we have not only been unable to render our Constitution conformable to the spirit of modern times, but have been obliged to use all our efforts for its maintenance.

The reason of this has been, that your Majesty's Imperial Government (1) has not had a Constitutional tendency, and therefore could not be brought in unison either with the independence of our Government or with the chartered rights of the nation.

This tendency has hitherto only prevented the development of our Constitution; but we are now convinced that if such a system of policy be any longer maintained, your Majesty's throne and the monarchy, to which we are bound by the pleasing ties of the Pragmatic Sanction, will be involved in consequences of which it is impossible to foresee the final issue, and our country moreover suffer an inappreciable detriment.

Your Majesty summoned us to the present Diet in order that we might lay the foundation for the reform of our social institutions. We hailed this summons as the fulfilment of wishes long entertained, and have proceeded to the task of legislation with redoubled ardour and activity.

With the adoption of the principle of general taxation, we have resolved to share with the people (2) those public burdens hitherto exclusively imposed for defraying the expenses of Comitatal administration, and to raise in the same manner the funds now required for regnicolar purposes.

We have resolved, on the principle of an equitable compensation being afforded, to take the necessary steps for the liberation of the peasants from urbarial services, and by thus adjusting the conflicting interests of the people (2) and the nobles, to augment the national welfare and strengthen the throne of your Majesty.

To lighten the burden of the alimention and quartering of the troops stationed in Hungary is among the more weighty matters to which our attention has been directed.

We regard the political and administrative co-ordination of the Royal Free Towns and the Free Districts as a question that cannot any longer be postponed; and we are of opinion that the time has already come when our political rights must be shared with the people (2.)

That effective measures will be taken for the promotion of our trade, manufacturing industry, and agriculture, is what the nation has a right to expect.

Our Constitutional life also requires to be developed in a real representative direction (3)—our intellectual interests demand a support grounded on freedom.

Our defensive system requires to be radically changed (4), and rendered conformable to the national character and compatible with the common interests of the different classes of society; for which purpose it is highly necessary, both for the dignity of your Majesty's Royal Throne and the security of the country, that effective measures be immediately adopted.

The responsible administration of the Hungarian State revenue and finances, with due publicity of the accounts, is a question that we cannot any longer postpone (5), as it is only in this manner that we can fulfil those Constitutional duties relating to the expenses for defraying the splendour of your Majesty's Royal Throne and the exigencies of the country, as likewise all other lawful duties that can but tend to a wholesome result.

In respect to several of these questions, it will be necessary that the conflicting interests of Hungary and the hereditary provinces of the empire be equitably adjusted (6); in order to effect which we shall always be ready, with the due maintenance of our independent national rights and interests, to lend a helping hand.

We are moreover convinced that the laws which will have to be enacted for the development of our social institutions, as well as for the promotion of the intellectual and material welfare of the nation, can only acquire vigour and reality when, for their execution, a national Government, totally independent and free from any foreign influence whatsoever, shall be called into existence, and which, in conformity with Constitutional principles, must be a responsible Government, and the result of the majority of the people. We therefore regard the conversion of the actual Collegial system of government (7) into a responsible Hungarian Ministry, as the principal condition and the essential guarantee for every measure of reform.

It is in this manner that we have the conception of the duties of our vocation.

To bring these questions with the agreement of your Majesty to a satisfactory conclusion during the present Diet, is our fixed and earnest design.

Our country expects this from us; millions expect it. It is commanded by that impulse of loyalty and attachment that binds us, with indissoluble ties, to your Majesty's dynasty. We are moreover convinced that it is only in this manner that tranquillity, peace, and concord can be so firmly established in our fatherland, that no unforeseen

events or storms will be able to shake the solid foundation and it is only by such a guarantee of peace and contentment that we can endow the united powers of the State with that force and harmony, in which your Majesty's dynasty, under any circumstances whatsoever, may calmly and confidently rely.

But your Majesty will share our conviction that peace and tranquillity are the essential conditions for attaining to so desirable a result.

In this respect it is impossible for us not to perceive without apprehension those symptoms of disturbance that, in many parts of the monarchy to which we are united by virtue of the Pragmatic Sanction, are but too apparent, and of which the unforeseen complication caused by the most recent foreign events, will greatly increase the intensity. (8.)

We will not grieve your Majesty's paternal heart by entering into any details respecting these lamentable symptoms, neither will we examine the palpable effect which, in a financial point of view, they have already produced; (9) but the sentiments of loyalty by which we are animated, and the responsibility we are under compel us to declare that we can only look for the source of the evil now becoming so manifest, as well as for the principal cause of our social retardment, in the principles on which your Majesty's Imperial Government is founded. We are also thoroughly convinced that your Majesty will find the most secure guard against any possible untoward contingencies, as well as the most cordial agreement with your loyal people, and the most complete fusion of the different provinces of the monarchy, and consequently the firmest support of the Throne and the reigning dynasty, when your Royal Throne is environed by those Constitutional institutions imperatively called for by the exigencies of the age, and which can be no longer postponed. (10.)

Sire,—Events are in the hands of the Almighty. We place our trust in the protection of Divine Providence, but at the same time feel it to be our duty to remind your Majesty, that your loyal Kingdom of Hungary must not be unprepared to meet an uncertain future. We regard the bringing of the above-mentioned questions of reform to a satisfactory conclusion, on Constitutional principles, during the present Diet, as the irremissible means of allaying our anxiety; and we fear that the usual course of Dietal business, and the tedious negotiations with the Government, consequent on the actual collegial system, will dangerously retard our arriving at a result responding to your Majesty's paternal intentions and the legitimate expectations of the country.

We therefore venture, with steadfast loyalty and confident reliance, humbly to beseech your Majesty to be graciously pleased, on account of the extraordinary circumstances in which we are placed, to send

to the Diet, as the powerful organs our most gracious Royal will, such individuals who, in the manner prescribed by existing laws, are members of the highest Government office, viz., the Vice-Regal Council; and who, being honoured beforehand with your Majesty's gracious confidence, will appear as the Constitutional representatives of the executive power, and have entrusted to them, in a prescribed manner and under their personal responsibility, the execution of the act of the Legislature. They will also have to take an immediate part in the Dietal proceedings; to direct the Diet in respect to your Majesty's gracious intentions; to furnish, especially in respect to the finances, the requisite explanations and statements; and to afford such assistance in bringing the questions under discussion to a satisfactory conclusion, that the contemplated salutary laws may the sooner be submitted for your Majesty's sanction; and, whatever unexpected turn affairs may take, peace and tranquillity being thus securely established in the country, a foundation will be laid for the development of that intellectual power and material welfare which your Majesty, with our stedfast loyalty, in every possible contingency of the uncertain future, will find to be the firmest support of your Royal Throne. (11.)

We are, &c.

Explanatory Remarks on the preceding Representation.

I HAVE previously had occasion to observe that Royal rescripts are invariably drawn up in the so-called curial or chancery style. This style is also often employed by the Delegates for their representations, although they more frequently, as in the present instance, indite them in ordinary, and consequently more perspicuous language. I have therefore deemed it advisable to add a few explanatory remarks—referred to by figures—by way of commentary.

(1.) In the original "birodalmi Kormanya," which may be rendered "the Government of the realm," but they evidently mean the Central or Imperial Government of the Austrian Empire, to which the Hungarian Government, in their opinion, has been unlawfully subjected.

(2.) "People" (nep), in these paragraphs is used for "peasants." "We nobles have resolved to share with you peasants," &c. In other paragraphs "people" seems to be used for peasants and burgesses, two classes which, in Hungarian law-language, are included under the negative denomination of "non-nobles," which is in fact a better term than plebeians: a half-spurred or skin-clad noble being much more plebeian in his manners than the burgess of a free town or a sessional peasant.

(3.) The development of Constitutional life in a representative direction is a Hungarian phrase. "Alkotmányos életünk," our Con-

stitutional life (*unser constitutionelles Leben*) is a favourite expression of the Hungarians. The plain English of the paragraph is,—“ We require a real Representative legislature, and liberty of the press.”

(4.) A radical change in the defensive system of Hungary may be made to mean:—1st. That the Hungarian troops remain within the kingdom. 2nd. That no foreign (Austrian) troops be stationed in Hungary. 3rd. That the strip of land running for upwards of 1000 miles along the Turkish border be incorporated with the adjacent counties, and consequently be placed under a Constitutional instead of a Military Government. 4th. That the present Civic Guards be converted into National Guards, and the number greatly augmented.

(5.) This, in plain English, is asking His Majesty to appoint a responsible Hungarian Chancellor of the Exchequer.

(6.) This paragraph more particularly alludes to the intermediate customs line, the removal of which was recommended in the Royal Propositions. And “ the due maintenance of our independent national rights and interests,” means that the fixation and regulation of the Hungarian customs duties belongs, *de jure*, exclusively to the Diet.

(7.) By “ a Collegial system of Government,” they mean the administration of public affairs by irresponsible Government offices (colleges), as the Vice-Regal Council, the Hungarian Chancery, &c.

(8.) *i. e.*, by the Parisian Revolution.

(9.) Viz., a fall of 20 per cent. in the Austrian funds, and a run on the Austrian National Bank.

(10.) This is also a way of telling His Majesty that the heterogeneous States of his empire can only be kept together when the present bureaucratic Administration is superseded by a Constitutional Government.

(11.) The Delegates foresaw that if they demanded in plain language a responsible Ministry,—a Minister of Finance, a Minister of the Home Department, &c.,—their representation would not be adopted by the Magnates, or, if adopted by them, would not be listened to in Vienna. Hence they merely request His Majesty to send Vice-Regal Counsellors to the Diet; these Counsellors being already, *de jure*, though not *de facto*, responsible to the Legislature for their official conduct. And as these Vice-Regal Counsellors are to have the execution of the laws intrusted to them, and be responsible, both *de jure* and *de facto*, to the Diet, they must obviously be persons who are able to command a majority, especially in the Lower House; which is, in other words, requesting His Majesty to intrust the Government of his Kingdom of Hungary to a responsible Ministry formed of Magnates and Delegates of the Liberal party.

No. 7.—*Viscount Ponsonby to Viscount Palmerston.*—(*Rec. Mar. 28.*)
 MY LORD, *Vienna, March 19, 1848.*

I HAVE the honour to inclose a despatch I have received from Mr. Blackwell, together with the continuation of his summary of the proceedings of the Hungarian Diet. I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure 1.*)—*Mr. Blackwell to Viscount Ponsonby.*
 (Extract.) *Presburg, March 15, 1848.*

I HAVE the honour to inclose a summary of the proceedings on the Responsible Ministry question, by which your Excellency will perceive that the Magnates have at length given their reluctant consent to the measures proposed by the Delegates; though unfortunately not until they were forced into compliance by the revolution—for it is a revolution—that has so unexpectedly taken place in Vienna.

The conferences ended as I had anticipated. On Saturday last the Conservatives turned the idea of a responsible Hungarian Ministry into ridicule, while the clever men of the party talked of the bad policy of complying with popular demands. In short, on Saturday and Sunday resistance was the order of the day. If the Liberals, they said, did not choose to follow the usual course of Dietal business, the Diet must be dissolved, and the Government would be sure of a majority in the next Diet.

Yesterday morning the Conservatives appeared very much perplexed; some were evidently inclined to make concessions, but others not. The events that took place in Vienna yesterday evening produced a great change in opinions; and this morning, when the news arrived that Prince Metternich and Count Apponyi had been compelled to resign the seals of office, the Conservatives, having no other alternative left, were obliged to comply with the demands of the Liberals.

It is now self-evident that the Hungarians must have a *bond fide* responsible Ministry, liberty of the press, and annual Diets at Pesth.
H.E. Viscount Ponsonby. J. BLACKWELL.

(*Inclosure 2.*)—*Continuation of the Proceedings of the Hungarian Diet.*

RESPONSIBLE MINISTRY QUESTION.

HAVING previously given a statement of this question, it will suffice to observe that at the memorable Circular sitting held on March 3rd, Kossuth began his speech by alluding to a proposal previously made by the Delegate of the county of Raab, respecting the solvency of the Austrian national Bank. This, he said, had now become an object of secondary consideration; what they wanted, and

must have, was a responsible Hungarian Minister of Finance. This was the only way to save Hungary from being involved in the national bankruptcy with which Austria was threatened. But the time was already come when their demands must not be limited to the nomination of a responsible Finance Minister; they must tell His Majesty, in plain language, that the only chance left of saving the empire from dissolution, would be to place all the people under his sceptre in the enjoyment of Constitutional freedom. Kossuth then proceeded to show what Hungary especially required, his speech being, in fact, a mere amplification of the representation which he concluded by moving should be laid before His Majesty without a moment's delay. This motion, by the tacit consent of the Conservatives, was carried, as I previously observed of (March 3), by acclamation.

This representation, a literal translation of which will be found in the supplementary documents, having been sanctioned at a Dietal sitting, was brought in the Upper House on the following day (the 4th), when the Magnates consented to the proposal of the *Judex Curie*, not to take it into consideration until the return of the Palatine from Vienna.

On the following Monday (the 6th) the Magnates did not meet, the Palatine being still in Vienna. This was also the case on the 7th, when the Delegates began to complain very loudly of this remissness on the part of the Magnates. The absence of the Palatine, they said, was a mere pretext; for in his absence, the *Judex Curie* was *ex officio* the President of the Chamber, and in the absence of the *Judex*, the *Tavernicus*. On the 8th, after several violent speeches, in which the proceedings of the Magnates, or rather of the high official dignitaries, were stigmatized in no measured terms, it was decided to send the chairman of the day (there are always 2 Delegates presiding over a Circular sitting) to the *Judex Curie* and *Tavernicus*, for the purpose of urging them to hold a sitting; but the Chairman on their return announced that both the *Judex* and the *Tavernicus*, as well as most of the other high dignitaries, were gone to Vienna.

This announcement gave rise to some very severe remarks from Kossuth, Pazmandy, and other Liberals, who contended that the Magnates by these unconstitutional proceedings had virtually given up their authority, and that the Diet had *de facto* again become a uni-cameral Legislative Assembly.

The Conservatives remarked that it was quite natural that in the present critical state of European affairs, His Majesty should summon his trusty Hungarian Counsellors to Vienna. It was merely what might have been expected; and they, the Delegates, would have had just reason to complain had such not been the case. To which Kossuth pithily observed that such a plea might have been listened to a few

days ago, but it was sheer nonsense now; every one being aware that these noble and learned gentlemen were gone to Vienna to hold conferences on Hungarian affairs with the Austrian Ministers, that was to say, with men who had not the shadow of a right to interfere in any way whatsoever, directly or indirectly, in the affairs of the Kingdom of Hungary. Such conferences were therefore both illegal and unconstitutional, and moreover highly dangerous for the liberties of the country.

On the 9th the Delegates voted that a nuncium should be sent to the Magnates to urge them to take the representation into consideration, and at the same time to express the marked disapprobation of the Delegates at their proceedings. As the "Personal" was also at Vienna, Sarközy, the Vice-Palatine, presided at the Dietal sitting at which this nuncium was adopted by acclamation.

The Vienna conferences having terminated, most of the gentlemen who assisted at them returned to Presburg on the 11th and 12th. The Magnates were to have held a sitting yesterday (the 13th), but it was decided at a private conference to await the result of the petition of the Austrian Landstände. A sitting was also announced for this morning, but was postponed in consequence of the events which have taken place at Vienna. It was however finally decided at a private conference, that both Houses should meet at 3 o'clock this afternoon (the 14th) and pass the representation, with an additional paragraph, by acclamation. Long before 3 the galleries of the Chamber of Magnates were taken possession of by the jurists. When the sitting commenced the House was crowded to suffocation. The representation was of course voted by acclamation, together with the additional paragraph demanding in express terms, liberty of the press, trial by jury, and annual Diets at Pesth. A renuncium was immediately sent to the Delegates, who also passed the representation thus amended by acclamation. The representation was then signed and sealed at a Mixed sitting, with the customary formalities; but instead of being transmitted in the usual manner through the Hungarian Chancery, it will be taken to Vienna to-morrow (the 15th) by a numerous deputation of Magnates and Delegates, and presented to the King (Emperor) in person.

This evening at 9 o'clock, the Civic Guards of Presburg in full uniform, each armed, not with a musket, but a flaming torch, together with the jurists in Hungarian costume, were drawn up before the "Grüner Baum" Hotel, for the purpose of giving Kossuth what the Germans call "*eine Fackelmusik*," i. e., a noisy torch-light serenade. Kossuth of course made a patriotic speech on the occasion from the balcony of the hotel. The Civic Guards and jurists then marched through the town, the jurists bearing several large national tri-coloured flags, brandishing their sabres and cheering for the independence of

Hungary, while the band played the "Rakoczy" and other national melodies. In this manner they proceeded to the Landhaus to give a "Fackelmusik" to the Palatine. This however was soon over, the popularity of the Palatine being on the wane; and at the hour I write (12 o'clock), Presburg is as quiet as the greatest lover of order could wish it to be.

No. 8.—Viscount Ponsonby to Viscount Palmerston.—(Rec. April 3.)

MY LORD,

Vienna, March 28, 1848.

THE concessions made to the Hungarians will, I hope, pacify the country for the present. Count Louis Batthyany has been here during some days, and the Ministry formed by him seems to give satisfaction in Hungary, and will be agreed to by this Government. It appears to me that there are reasons which might influence the patriots who take the lead in the Hungarian Diet, to content themselves with what they have obtained. They are Magyars, and the number of that race in Hungary is estimated at 4,000,000. It is true that they have held the Government of the territory for some centuries, but there are 10,000,000 inhabitants of other races who, it is said, are not without jealousies of the Magyars, nor without ideas of national organization, which would be at least inconvenient to the masters of the kingdom. The support of Austria may be looked to by the Magyars.

The Imperial Government is not at present disposed to abandon the right to appoint the commander of the troops raised in Hungary, or the power to dispose of those troops. The Government expects that the Hungarian Diet will provide the men and funds necessary for them.

The abolition of the Roboth (corvée, it is called in French) will, as I am told, deprive the landed proprietors, all of them of one-third, and many of them of one-half of their revenue from their estates. The proprietors will also have to pay certain taxes which hitherto they have not been subject to.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 9.—Viscount Ponsonby to Viscount Palmerston.—(Rec. April 7.)

MY LORD,

Vienna, March 30, 1848.

I HAVE the honour to inclose in translation, the copy of some demands made by a deputation which arrived here last night from the Kingdoms of Dalmatia, Croatia, and Slavonia. These demands seem at variance with the wish they commence by expressing, namely, that of remaining under the Hungarian Crown.

With regard to those demands which refer to the troops, and more especially that numbered 18, it may perhaps be worth while to remind your Lordship that the Croatian frontier troops are in fact

military colonists. The frontier regiments are, I believe, 18 in number, and when not on foreign service live upon the produce of land which is allotted to them by the Government, and which they themselves cultivate. They are stationed all along the Austrian and Turkish frontier, forming a series of military villages, in which every man is a soldier, brought up to the use of arms from his earliest youth, and in constant employment on the "Cordon" service. They are said to be the best troops in the Austrian service.

The deputation is to have an audience at the Palace to-morrow morning, and I will endeavour to ascertain what answer is made to their demands.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Demands of the Croatsians.

DEMANDS of the Nation which were unanimously resolved upon at a national meeting of the three Kingdoms, Dalmatia, Croatia, and Slavonia, called together by the Provisional Committee, and held at the capital Agram, in the Town-Hall, on the 13th March, and which have been transmitted through an influential deputation to the Imperial Throne for sanction.

(Translation from the Illyrian.)

The nations of the United Kingdoms, animated by the desire of continuing as heretofore under the Hungarian Crown, with which the free Crown of Croatia, Slavonia, and Dalmatia, was voluntary united by their ancestors; animated by the desire of remaining true to the reigning dynasty which at present rules the land according to the Pragmatic Sanction; and finally animated by the desire of maintaining the integrity of the Austrian Monarchy and that of the Kingdom of Hungary, while they at the same time are anxious to uphold those great boons which were obtained for the whole Austrian Empire, during the 3 bloody and important days of the 12th, 13th, and 14th of March, make the following demands upon the King's sense of justice.

1. The extraordinary position in which the nation finds itself, as well as the restoration of its legal order, requires an authorized head, and with this view, it has unanimously elected Baron Joseph Jellachich, principal magistrate of the 3 united kingdoms, a man who possesses the confidence of the whole nation, and wishes that the command of the frontier troops and the right of calling together the Diet may also be granted to him.

2. That the Diet of these kingdoms be summoned to meet at Agram by May 1st of this year, at the latest.

3. A strong and new union in every respect of the Kingdom of Dalmatia, which by tradition and by law belongs to us, with the

Kingdoms of Croatia and Slavonia, as well as the annexation of the Military Frontiers as regards their political administration, and the incorporation of all other parts of our country which in the course of time have become lost to us and united with the Hungarian counties and Austrian provinces.

4. Their national independence.

5. Their own independent Ministry, responsible to the Diet of these kingdoms, whose members shall consist of men of popular opinions, and devoted to the more modern tendencies towards freedom and progress.

6. The introduction of the national language into the interior and exterior administration of these kingdoms, as well as into all establishments for public instruction.

7. The foundation of a University at Agram.

8. Political and intellectual development on the principles of a free national spirit.

9. Freedom of the press, creeds, instruction, and speech.

10. A yearly Diet at Agram, Esseg, Zara, and Fiume, in turns.

11. The representation of the people on the principle of equality without reference to rank, for the approaching, as well as for all future Croatian, Dalmatian, and Slavonian Diets.

12. Equality of all in the sight of the law, as well as publicity in law proceedings, together with a jury, and responsibility of the judges.

13. Proportionate taxation upon all classes without regard to rank.

14. Exemption from all compulsory labour and "corvée."

15. Establishment of a National Bank.

16. Restoration of our National Funds, which hitherto have been under Hungarian management, as well as of all properties and funds belonging to the Finance Department. The above to be managed by a responsible Finance Minister.

17. National Guard. The command of which to be vested in the "Lands Captain," chosen by the Diet, according to the old custom.

18. The National Troops of every description in times of peace to remain in the country; the officers to be natives, and the word of command to be given in the national language; in times of war, or of observation of a foreign enemy, viz., upon frontier duty, the troops to receive food, pay, and clothing. All foreign troops to leave the country, and the "military colonists" who are now in Italy to be sent home.

19. The national troops to swear fidelity to the common Constitution, their King, and the freedom of their nation and of all other free nations composing the Austrian Monarchy, according to the principles of humanity.

20. All political prisoners, whether in the United Kingdoms or in other free provinces of Austria, and especially our distinguished author and worthy fellow-countryman, Nicholas Tomasseo, to be set at liberty.

21. Right of association, assembly, and petition.

22. Abolition of all Custom Houses upon the frontiers of our country, and Slavonic-Italian-Austrian States, and proclamation of reciprocal free trade.

23. Free entry of sea-salt, according to our old rights.

24. The abolition of all Imperial and public "corvée" on the Military Frontier, as is proposed in case of private individuals in the provinces, and a restoration to the Communes of their forest and pasturage rights.

25. The Frontier Funds shall be managed by our own Ministry, instead of the War Department as heretofore.

26. Every frontier man to enjoy equal rights and liberties with the other inhabitants of the United Kingdoms.

27. The town and country communes of the country to be organized upon the principles of liberty with the right of self-government and freedom of speech.

28. The old name for the Lieutenants of counties, "Zupanie," to be resumed, and they themselves to be organized according to old customs, but in the spirit of modern freedom.

29. All offices without exception, temporal as well as spiritual, to be vested exclusively in natives of the United Kingdoms.

30. Abolition of celibacy in the Church, and the use of the native language in Church service, according to old Croatian rights and customs.

No. 10.—Viscount Ponsonby to Viscount Palmerston.—(Rec. April 7.)
(Extract.) *Vienna, March 30, 1848.*

I HAVE the honour to forward to your Lordship 6 despatches which I have received from Mr. Blackwell.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure 1.*)—*Mr. Blackwell to Viscount Ponsonby.*
(Extract.) *Presburg, March 19, 1848, 6 A.M.*

I WRITE a few hasty lines to say that the Revolution is complete.

The public facts will be known to your Excellency by the Press, which is now quite free. Meanwhile I have the honour to inclose a number of the "Pannonia," and the resolutions passed at what may be termed a permanent popular committee.

I subjoin a brief summary of facts.

1. The Delegates have declared their sittings to be *en permanence*,

and were in fact sitting (with short intervals) the whole day (Saturday) until midnight.

2. They no longer vote by counties, but each Delegate has a free vote; Delegates of counties, free towns, free districts, and chapters (of cathedrals), without distinction. They have consequently formed themselves into a National Convention or Constituent Assembly, the Magnates adopting *nem. con.* whatever they think proper to pass.

3. The Roboth, the tithe of 1-10th to the church, of 1-9th to the manor, and all other Urbarial services are abolished. The lords of manors are to receive a compensation from a national fund for their tithe of 1-9th, but the clergy have been obliged to submit to the abolition of their tithe without compensation.

4. A regular system of taxation for all classes without distinction to be forthwith established.

5. The aviticity laws and the law of primogeniture to be abolished.

6. A national guard to be immediately organized. This in fact is already taking place simultaneously in all parts of the kingdom. They calculate that in a few weeks they will have 200,000 men under arms.

It is further contemplated—

7. To send all the foreign (Austrian) troops out of the kingdom.

8. To recall the Hungarian troops from the Austrian States.

9. To incorporate the Military Frontiers with the adjacent counties. Thus putting in execution the paragraph of the representation respecting “a radical change in the defensive system of Hungary.”

10. To effect a union with Transylvania, and to insist on Dalmatia being incorporated with Hungary.

When the representation was voted, Pepe Eötvös hastened from Pesth, seeing that the time was come to realize the views he put forth in his work entitled “Reform in Hungary.” He is now working night and day, and is indefatigable in reconciling the different parties and in preserving order.

The Ministry is not yet formed, the following combination at present seems the most likely, but to-morrow another may probably be substituted for it.

Count Louis Batthyany—Premier.

Déak—Minister of the Interior.

Kossuth—Finances.

Baron Eötvös—Public Instruction and Religious Worship.

Prince Esterházy—Minister not as yet of Foreign but of International Affairs, *i.e.*, of the diplomatic relations of the independent Kingdom of Hungary with the other States of the Austrian Empire.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(Inclosure 2.)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, March 21, 1848.

ON Saturday last, the 18th, the revolution was complete. The Liberals were very sanguine; several Ministerial combinations were formed, and it was hoped that things would go on satisfactorily; but to-day affairs have a much more gloomy appearance. There is in fact no Government in the country. Buda and Pesth are under the rule of Klauzal, one of the most celebrated Delegates at the last Diet, and also—then at least—one of the most moderate of the Liberal party; and most of the towns from which news has arrived, are governed much in the same manner by Committees of Public Safety.

No Ministry is yet formed. Déak arrived here yesterday, and does not appear to approve of the revolutionary proceedings of the Delegates.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(Inclosure 3.)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, March 22, 1848.

As your Excellency is probably too much occupied to read long letters, I will merely observe that nothing of importance has taken place since yesterday.

The tumult respecting the Jews has subsided. Forty or fifty persons were arrested last night; most of them, it seems, are Austrians, who, after plundering in the environs of Vienna, had come here for the same purpose. I never saw Presburg so quiet as it is this evening. As I came home (11 o'clock), there was scarcely a person to be seen in the streets.

Count Batthyany has not been able yet to form a Ministry.

Meanwhile a bill has been brought in respecting the Ministry; and until it has passed through the Upper House and received the Royal sanction, Count Batthyany cannot well submit the names of his colleagues for His Majesty's approbation. According to this bill there are to be 9 Ministers, viz.:

A Premier Minister, Minister of the Interior, Minister of Foreign Affairs, Minister of Finances, Minister of Public Works, Minister of Trade and Agriculture, Minister of Public Instruction, Minister of Justice, and Minister of War.

By a Minister of Foreign Affairs they now understand an Hungarian Minister who is to reside in Vienna, and be consulted in all transactions with foreign States in which the interests of Hungary are in any way involved.

On Saturday and Sunday the Magnates accepted everything sent up from the Lower House, *nem. con.* They were in fact frightened,

and some of the most haughty amongst them might be seen conversing familiarly with Delegates whom they had previously never condescended to speak to.

The only persons the Liberals have to fear are the so-called half-spurred nobles, who must necessarily be disfranchised, and who will moreover have to pay taxes. This is the real cause of their great anxiety to bring the Diet to a close, being afraid that the Conservatives will make use of these discontented nobles, and get resolutions passed at the County Congregations, condemning their proceedings.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(*Inclosure 4.*)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, March 23, 1848.

THIS morning the bill respecting the Ministry passed the Chamber of Magnates, when Count Batthyany announced that he had formed a Ministry (the arrangements having been completed during the night), and would make known the names of his colleagues previous to their being submitted to His Majesty. He then announced them in the following order:

Premier, without Portefeuille	..	Count L. Batthyany.
Interior (Home Department)	..	Szemere.
Foreign Affairs	.. ..	Prince Esterhazy.
Finance	.. ..	Kossuth.
War	.. ..	Mészáros (a Colonel of Hussars, now at Milan.)
Public Works	.. ..	Count Stephen Szechenyi.
Public Instruction and Religious		
Worship	.. ..	Baron Eötvös.
Trade, Agriculture, and Manufactur-		
ing Industry	.. ..	Klauzal.
Justice	.. ..	Déak.

Notwithstanding this public announcement, I do not regard the Ministry as definitively formed. There are three of its members who are by no means satisfied. A few days ago Szemere drew up a provisional law on the Press, which has passed with trifling amendments through both Houses.

This law, it appears, has been highly disapproved of by the Pesth Republicans. They even threaten to convoke a Diet, or more properly speaking, a National Convention, at Pesth, on the plea that the present Diet is not a popular assembly; that its proceedings (since the nomination of Count Batthyany) are too dilatory; that the measures proposed are not sufficiently energetic! In one word, by

all that I am able to learn, they want to establish a Republic, or at least "a Monarchy with Republican institutions." They are organizing a most effective National Guard with a train of artillery. Szemere and Eötvös are in their eyes Conservatives; even Kossuth, they say, begins to lose his popularity in Pesth. In Presburg people have been satisfied by quietly removing the Imperial arms from the Post, Salt, and other public offices, leaving the doors and railings of these offices with their black and yellow stripes untouched; but at Pesth the Imperial arms were torn down and thrown in the street, and in a few hours the doors and railings repainted with the national colours—red, white, and green.

Of one thing I am fully convinced, which is, that if the Austrian Cabinet should attempt to render the Hungarian Ministry dependent on them, or in other words should do anything that might awaken the suspicion that they still regard Hungary as a dependency of Austria, your Excellency may expect to see 50,000 armed Hungarians before the gates of Vienna.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(*Inclosure 5.*)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Presburg, March 25, 1848.

IN the letters which I had the honour of addressing to your Excellency on the 22nd and 23rd instant, I alluded to the Republican spirit that prevails in Pesth, and which can only be counteracted by the Austrian Government lending its support to Count Batthyany's Ministry. From all that I am able to learn, a strange infatuation seems still to prevail at Vienna. Should this really be the case, I have not the least hesitation in saying that Hungary is lost for the House of Hapsburg. They seem to imagine that because no blood has been shed, a revolution has not taken place in this country—that the Hungarian Government must still continue, in some manner at least, dependent on the Imperial Government. They must however renounce these ideas, and that too without a moment's delay, otherwise the country will be in a state of anarchy.

I am told that some of the Austrian Ministers fancy that the students were in-tigated to the bold step that led to the resignation of Prince Metternich by the Hungarian Liberals, that they were in secret correspondence with Kossuth and other leaders of the Liberal party. There cannot be a more erroneous notion. The revolution at Vienna took every one here by surprise. Kossuth, Szemere, and Szentkiralyi were I know quite astonished—never dreamt of such an event happening. They certainly expected a revolution at Prague, from the

notorious fact of the Government having had recourse in Bohemia to precisely the same arbitrary measures that in England were adopted under Charles I. I, for my part, expected that the first burst would break out in Gratz; but I repeat, no one here supposed for a moment that a Government having such a strong military force at its command could fall before a handful of students. The Liberals, in their famous programme (a translation of which I gave in the supplementary documents No. 1), stated their views without the least disguise, that they would use all the efforts in their power to obtain a responsible Ministry, liberty of the press, &c., at the same time recommending His Majesty to grant Constitutions to the hereditary States of the empire. This programme and the representation of March the 3rd, together with Kossuth's speeches in the Lower House, no doubt exercised a great influence on public opinion in Vienna; but this is the only kind of conspiracy the Hungarian Liberals have been guilty of. They were determined to realize their views by constitutional means, and by constitutional means only.

Now a bill for the organization of the Ministry and the necessary abolition of the Hungarian Chancery, Vice-Regal Council, in short, of the old Collegial system, passes both Houses. Count Batthyany hastens to Vienna to submit the bill, together with the names of the Ministers, for the Royal sanction and approbation. He is followed by Déak and the Palatine, and I presume has been joined by Prince Esterhazy. Count Batthyany has been in Vienna upwards of 48 hours, and it would appear has not been able to obtain the Royal sanction.

This morning I observed to Eötvös that I thought the Premier had committed a breach of etiquette, in announcing the names of his colleagues in the Chamber of Magnates previous to their being submitted to His Majesty. He admitted that this was the case, but said they had no alternative, having received in the night of the 22nd an estafette from the Committee of Public Safety in Pesth, stating in plain language, that if they, the Committee, were not able to announce the definite formation of the Ministry within 24 hours, the National Guards would storm the arsenal at Buda, and summon a National Convention to meet at Pesth without delay.

Count Batthyany and the Palatine (or Regent as he will now be called) have no doubt stated the danger to be apprehended from Pesth if the bill be not sanctioned without delay. Count Batthyany has formed a Ministry of the most moderate men of the Liberal party. Eötvös even thinks that it will be too late; that when the events of Milan are known at Pesth they will summon a National Convention. He says indeed that, in point of fact, a National Convention is already sitting at Pesth; deputations arriving daily from the counties and towns to the Committee of Public Safety, and 2 or 3 members of each

deputation remaining in Pesth and sitting with the Committee as the representatives of their respective towns and counties. Thus, in a few weeks, the Committee will become a *bond fide* National Convention ; and it is a very significant fact, that the counties send deputations to the Pesth Committee, and not to the Presburg Diet.

The Illyrian party also begins to be a source of apprehension for the Ministry. The favourite plan of this party is to form Slavonia, Croatia, Carniola, Carinthia, Istria, Dalmatia, Bosnia, and Servia, into an Illyrian Kingdom.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(*Inclosure 6.*)—*Mr. Blackwell to Viscount Ponsonby.*

(*Extract.*)

Presburg, March 29, 1848.

THE Palatine returned from Vienna early this morning, with a Royal resolution respecting the Ministerial bill, which has caused the greatest dissatisfaction. The Royal resolution was printed in the course of the day, but all the copies that the jurists could get hold of have been publicly burned on the Promenade this evening.

In fact, if Hungary really possesses a responsible Ministry, the Royal sanction ought either to have been given or refused ; whereas they have adopted the old collegial system of having recourse to Royal resolutions. They wish, it seems, to retain the Hungarian Chancery, when it is obvious that, with a responsible Ministry, the Chancery is superfluous. To some other points, respecting the nomination of bishops, field-officers of the National Guards, &c., no valid objections, I think, can be made ; in fact, Count Batthyany has made a few concessions which the Delegates have approved of.

It will be needless for me to state what passed at the conferences of Vienna, as your Excellency is no doubt acquainted with the details more fully than they have been related to me. I can only say that Count Batthyany and Déak have returned highly dissatisfied at the proceedings of the Emperor's advisers. The Austrian Ministry seem to forget that they have no alternative left. Austria is at this moment utterly powerless. Count Batthyany has formed a Ministry of the most moderate men of the Liberal party. Eötvös received a number of despatches yesterday by estafette from all parts of the country, with which he expressed himself very much satisfied. Szemere has been received at Pesth with a *Fackelzug* ; in short, they flattered themselves that they should be able to allay the agitation that prevails, and keep Hungary under the sceptre of its legitimate Sovereign.

The Royal resolution has been discussed this evening in the Chamber of Delegates. Kossuth did not say much, but what he did say shows that the Liberals are determined not to give way. Count

Stephen Szechenyi, who of late years has been regarded as a Conservative, made a speech that reminded the auditors of the time when he was the fiery leader of the Opposition. He intends leaving early to-morrow morning for Vienna, and will try to induce them to give way. The Palatine also made a solemn declaration in the Chamber of Magnates, that he should set out in the course of the night for Vienna, and to-morrow either bring back the Ministerial bill with the Royal sanction or resign his office.

H.E Viscount Ponsonby.

J. BLACKWELL.

No. 16.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. April 21.)

MY LORD,

Vienna, April 15, 1848.

I HAVE the honour to transmit to your Lordship a despatch which I have this day received from Mr. Blackwell.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure 1.)—*Mr. Blackwell to Viscount Ponsonby.*

MY LORD,

Presburg, April 13, 1848.

THE Diet was closed on the 11th instant, and the Emperor, having acceded to all the demands of the Hungarians, was received with the usual manifestations of popular satisfaction.

The last and probably most important concession, in order to obtain which the Palatine was obliged to hasten to Vienna on Saturday night, was that respecting the Military Frontiers.

The Diet required, as a matter of course, that the border troops should be placed under the authority of the Hungarian Minister of War. They did not pass a bill to incorporate the frontiers with the adjacent counties, leaving that to be done by the next Diet; but in the bill respecting the elective franchise the Military Frontiers are regarded as an integral part of the kingdom, and therefore empowered to send Representatives to what is now termed the "National Assembly."

The Austrian Government wished, 1st, to retain the command of the border troops; and 2nd, that the decision respecting the extension of the franchise to the Military Frontiers should be left to the next Diet. They were, however, finally obliged to give way on both points. The Borderers are consequently now under the authority of the Hungarian Ministry, and will send Representatives to the Hungarian Legislative Assembly.

The Hungarian Ministers would not venture to ask the Diet to

afford assistance to Austria against the Italians. They are, in fact, reproached by the Hungarian press for not having insisted on the immediate recall of the Hungarian troops from the Austrian dominions, and the withdrawal of the foreign troops from Hungary.

At a public meeting held at Pesth on the 10th instant, it was announced, that the Committee of Public Safety had sent a memorial to the Ministers, urging them to recall the Hungarian troops from Lombardy, and to form an army of observation on the Lower Danube, and another at the foot of the Carpathians, without further delay; it being, in the opinion of the said Committee, a national crime to suffer the troops of Hungary to be made use of by Austria for the suppression of Italian independence. It was also announced at the same meeting, that the Committee would send deputations to the approaching German Parliament, to the Italian Governments, to the Poles, &c.

Wishing to give as accurate a view as possible of the present heterogeneous population, &c., of Hungary, I have devoted much time to the compilation of the papers which I have the honour to inclose. This has necessarily precluded me from noticing as fully as I could have wished the important measures adopted by the Diet since the Revolution of the 15th of March. When the laws that have received the Royal sanction are officially published, I will send a summary of them; meanwhile it may suffice to remark, that the next Diet is to meet at Pesth in August. The elective franchise is based on property. The holder of a quarter-session (about 8 acres—the peasants are now freeholders) has a direct vote, and that too by ballot. The Magnates tried in vain to induce the Delegates to limit the franchise to holders of half-sessions (16 acres). The Diet thus elected will be, to all intents and purposes, a Constituent Assembly or National Convention, and will probably make almost as sweeping reforms as those that have been made by the present Diet since the Revolution. Hungary and Transylvania are to be united, and represented at the Diet by 400 members, who are to receive a daily allowance, but not to be bound by instructions. At a meeting recently held at Klausenburg, it was resolved, that if the (Austrian) Government should not summon a (Transylvanian) Diet before the meeting of the next Hungarian Diet they, the Transylvanians, should regard the union as virtually effected, and send 67 Deputies—the number fixed in the bill—to the Hungarian Diet, as the only Legislative Assembly which they should henceforward acknowledge.

I have, &c.

H.E. Viscount Ponsonby.

J. BLACKWELL.

(*Inclosure 2.*)—*Statistical Data respecting the Population, Military Force, &c., of Hungary.*

THERE is not a more difficult task than that of drawing up a table of the heterogeneous population of Hungary, for notwithstanding the most diligent research and careful calculation, such a table will be merely approximative. Except in the Military Frontiers, no official census is taken. We therefore find the greatest discrepancy in the statements of the most celebrated statistical writers. For instance, the population of Hungary (Hungary Proper, the Annexed Territories the Military Frontiers, and Transylvania) in the year 1839, is estimated by Becher at 15,322,488; by Fényes at 12,880,406. The average of these numbers is 14,101,447, probably the nearest to the truth. As Fényes' tables are drawn up from the parish registers (no doubt very carelessly kept) and other semi-official sources, they present a greater guarantee than those given by several distinguished German writers. I have therefore taken them for the basis of my calculation, but have gone through each county separately, and added from $\frac{3}{4}$ to $1\frac{1}{4}$ per cent. per annum, for the increase of population. The increase varies according to race and locality, it is the most rapid in the Military Frontiers, owing to the peculiar institutions of that district, and also more rapid among the Slavonic than among the Magyar population.

Hungary is divided juridically into 4 circles, called respectively the Cis and Trans-Danubian, and the Cis and Trans-Tybian. This is, however, a very unnatural division, especially in an ethnological point of view. I have therefore divided Hungary Proper into 3 natural districts, viz., the Northern or Carpathian District, coloured in the accompanying map, green; the Western Cis-Danubian District, yellow; and the Eastern or Trans-Danubian District, red. It will be found by referring to the subjoined Table, that in the Northern district, the Slovaks are in the majority, and in the Western and Eastern districts, the Magyars. The first column of the Annexed Territories shows the population of Slavonia, *i. e.*, of the 3 Slavonian counties and the Slavonian Military Frontiers; the second that of Croatia, *i. e.*, of the 3 Croatian Counties, the Croatian Military Frontiers, and the Hungarian Littoral.

It will be seen that Hungary Proper and Transylvania contain 13,200,000 inhabitants, 5,650,000 of whom are Magyars, 2,600,000 Dacians (Valachs); 1,390,000 Germans, and 3,252,000 of the Slavonic race. In this region the Magyars may therefore be regarded as the predominant race. It must also be borne in mind, that part of the German, Dacian, and Slovak population, is already Magyarized. This is also the case with the Rusniaks, at least the Delegates of the North-eastern counties, in which they are located, have assured me

that one-third of them no longer speak the Rusniak (Russian) language.

It will also be seen that in the Annexed Territories, the entire population (within a mere fraction) belongs to the Illyrian branch of the Slavonic race.

If an accurate census were made, it would probably be found that the actual population of the Hungarian territories exceeds 16,000,000. Having taken Fényes' very low estimate as the basis of my calculation, I can only bring out 15,000,000, which gives about 120 inhabitants per (English) square mile. Bohemia has 243, Great Britain and Ireland 222 inhabitants per square mile. If the Hungarian territories were as densely peopled as Bohemia, the population would amount to 30,381,804. These territories are unquestionably sufficiently extensive, not to speak of the fertility of the soil, to support without undue pressure, a population of 25,000,000.

Table 2 shows the population of the Military Frontiers according to the official census of 1839. Becher calculates the increase of population in the Military Frontiers at 1,726 per cent. per annum. Taking, however, 1.5 per cent. as a fair average, the actual population will amount to 1,350,000.

The Military Frontiers furnish 17 regiments of infantry, 2 battalions, chiefly employed on the rivers, and 1 Hussar regiment.

The peace establishment is as follows :

		Men.
13 Hungarian regiments of 2,570 men ..	..	33,410
4 Transylvanian regiments of 2,264 men ..	..	9,056
		<hr/> 42,466
2 Battalions .. .. .	..	2,537
1 (Transylvanian) Hussar regiment ..	..	1,792
		<hr/>
Total .. .. .	..	46,795

In time of war this force is considerably augmented. The Government is thus enabled to place in active service, on ordinary occasions, 34,827 men; on extraordinary occasions, 47,354, and on any great emergency, 91,231, and leave a force within the frontiers sufficient for their protection.

In the year 1805, for instance, Austria withdrew 64,080 men from the frontiers, leaving 22,371 for their defence. And in the years 1799 and 1800, 101,692 of these borderers took the field against the French.

The frontiers are watched by day and night by a cordon of sentinels. This service requires

	Men.
On ordinary occasions	4,179
When danger, either from war or pestilence, is apprehended ..	6,795
On any great emergency	10,016

The regular contingent furnished by Hungary (Hungary and Transylvania) to Austria, has hitherto been 15 regiments of infantry and 11 Hussar regiments.

In time of peace, an Hungarian Hussar regiment consists of 1792 men; a regiment of infantry, of 3,693; but in time of war this force may be doubled. In the last war, for instance, an Hungarian Hussar regiment had 2,400, a regiment of infantry, 7000 men.

Taking the contingent at the peace establishment, the actual military force of Hungary now placed under the authority of a responsible Hungarian Minister of War, is as follows:

INFANTRY.				Men.
15 Regiments of the Line, 3,693 men ..				55,395
17 Border regiments	{ 13 .. 2,570 men }			42,466
	{ 4 .. 2,264 „ }			
2 Border battalions				2,537
				<hr/> 100,398
CAVALRY.				
11 Hussar regiments of the Line, 1792 men				19,712
1 Border Hussar regiment				1,792
				<hr/> 21,504
Total				<hr/> 121,902

It will be thus seen that the Hungarian Minister of War has already a force of upwards of 100,000 men at his disposal, and, if required, would no doubt be able to form a well-disciplined army of 300,000 men, not to speak of National Guards, the organization of which is proceeding very rapidly in all parts of the country.

(Inclosure 3.)—TABLE 1.—Area and

		KINGDOM OF			
		Hungary Proper.			
		North District.	West District.	East District.	Total.
POPULATION.	RACES.				
	Magyars	1,050,000	1,750,000	2,300,000	5,100,000
	Slavonic Race :				
	Slovaks*	1,850,000	15,000	130,000	1,995,000
	Poles	13,000	..	..	13,000
	Rusniaks†	500,000	..	8,000	508,000
	Illyrians .. ..	..	276,000	460,000	736,000
	Total	2,363,000	291,000	598,000	3,252,000
	Dacians‡	70,000	..	1,400,000	1,470,000
	Germans	190,000	406,000	502,000	1,098,000
	Various§	2,000	8,000	15,000	20,000
	Jews	120,000	45,000	75,000	240,000
	Gipseys	5,000	5,000	10,000	20,000
	Total	3,800,000	2,500,000	4,900,000	11,200,000
	RELIGIONS.				
	Catholics :				
	Latin Rite	2,030,700	1,713,000	1,783,000	5,526,700
	Greek Rite	570,000	..	350,000	920,000
	Armenian Rite .. ..	..	..	..	..
	Total	2,600,700	1,713,000	2,133,000	6,446,700
	Oriental Greek Church	300	20,000	1,160,000	1,180,300
	Protestants :				
	Lutherans	672,000	224,000	187,000	1,083,000
	Calvanists	402,000	493,000	1,335,000	2,230,000
	Unitarians .. ..	..	..	..	..
	Total	1,074,000	717,000	1,522,000	3,313,000
	Jews	120,000	45,000	75,000	240,000
	Gipseys	5,000	5,000	10,000	20,000
	Total	3,800,000	2,500,000	4,900,000	11,200,000
Area in English square miles. .		28,350	17,385	41,463	87,198
Population per square mile ..		134	143·8	118·18	128·4

* The Slovaks belong to the Szechian (Bohemian) branch of the Slavonic race.

† The Rusniaks belong to the Russian branch of the Slavonic race.

‡ Dacians, i. e., Valachs or Rumeni, as they call themselves in their Romanic language.

§ The Gipseys are placed here in order to make the sums total correspond. They are properly speaking of no religion. Most of them, I believe, have been converted to one or other of the Christian sects; but their conversion is obviously more apparent than real.

Population of Hungary in 1848.

HUNGARY.			Principality of Transylvania.	TOTAL.
Annexed Territories.				
Slavonia.	Croatia.	Total.		
5,750	250	6,009	550,000	5,656,000
5,000	..	5,000	..	2,000,000
..	..	..	..	13,000
..	..	..	..	508,000
671,450	1,092,550	1,764,000	..	2,500,000
676,450	1,092,550	1,769,000	..	5,021,000
..	..	..	1,130,000	2,600,000
10,000	3,000	13,000	292,000	1,403,000
2,000	2,000	4,000	6,000	30,000
1,800	1,200	3,000	2,000	245,000
4,000	1,000	5,000	20,000	45,000
700,000	1,100,000	1,800,000	2,000,000	15,000,000
323,000	810,000	1,133,000	233,000	6,892,700
1,400	6,000	7,400	520,000	1,447,400
..	..	..	5,000	5,000
324,400	816,000	1,140,400	758,000	8,345,100
360,400	281,600	642,000	630,000	2,452,300
5,100	100	5,200	250,000	1,338,200
4,300	100	4,400	290,000	2,524,400
..	..	..	50,000	50,000
9,400	200	9,600	590,000	3,912,600
1,800	1,200	3,000	2,000	245,000
4,000	1,000	5,000	20,000	45,000
700,000	1,100,000	1,800,000	2,000,000	15,000,000
6,589	9,905	16,491	21,336	125,028
106·2	111	109	94·18	119·9

† Under this head may be comprised—12,000 Greeks.
5,000 Armenians.
1,600 Albanians.
7,000 French (a colony in the Banat).
4,400 Italians.

30,000

SUMMARY OF TABLE 1.

RACES.			RELIGIONS.		
Magyars		5,656,000	Catholics:		
Slavonic Race:			Latin Rite	6,892,700	
Slovaks	2,000,060		Greek Rite	1,447,400	
Poles	13,000		Armenian Rite	5,000	
Rusniaks	508,000				8,345,100
Illyrians	2,500,000		Oriental Greek Church ..		2,452,300
		5,021,000	Protestants:		
Dacians		2,600,000	Lutherans	1,338,200	
Germans		1,403,000	Calvanists	2,524,400	
Various (see Note 4) ..		30,000	Unitarians	50,000	
Jews		245,000			3,912,600
Gipseys		45,000	Jews		245,000
			Gipseys (see Note 5) ..		45,000
Total		15,000,000	Total		15,000,000

TABLE 2.—Population of the Military Frontiers in 1838, according to an Official Census.

	Croatian Frontiers.	Slavonian Frontiers.	Banat Frontiers.	Transylvanian Frontiers.	TOTAL.
RACES.					
Slavonic Race	498,947	252,837	75,616	..	827,400
Dacians .. ..	..	..	145,106	74,983	220,089
Magyars .. ..	..	..	3,250	105,911	109,161
Germans .. ..	..	1,126	26,155	..	30,281
Albanians .. ..	..	1,600	..	..	1,600
Greeks .. ..	..	300	200	..	500
Jews .. ..	..	290	158	..	448
Total	498,947	259,153	250,485	180,894	1,189,479
RELIGIONS.					
Catholics:					
Latin Rite	252,801	130,692	28,960	70,951	483,404
Greek Rite	5,614	216	12	55,418	61,260
Total	258,415	130,908	28,972	126,369	544,664
Oriental Greek Church ..	240,493	123,153	210,409	19,565	593,620
Protestants:					
Lutherans	23	4,782	8,169	..	12,974
Calvinists	16	20	2,777	29,960	32,773
Unitarians .. ..	..	..	..	5,000	5,000
Total	39	4,802	10,946	34,960	50,747
Jews .. ..	..	290	158	..	448
Total	498,947	259,153	250,485	180,894	1,189,479

No. 21.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. May 19.)
 MY LORD, *Vienna, May 7, 1848.*

I HAVE the honour to transmit to your Lordship the inclosed report from Mr. Blackwell. I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure.*)—*Mr. Blackwell to Viscount Ponsonby.*

(Extract.)

Pesth, April 25, 1848.

HAVING heard that the Palatine would be on board the steamer of the 18th, on his way from Vienna to Pesth, I remained at Presburg a day longer than I intended, in order to go by the same steamer. I had thus an opportunity of witnessing the enthusiastic manner in which he was welcomed by the inhabitants of the Hungarian metropolis.

The Ministers have displayed great energy in preserving order. The Committee of Public Safety is dissolved. The young gentlemen of the University have resumed their studies. The tumultuous popular assemblies which were held almost daily in one of the large squares of this city, have been put a stop to by a Ministerial proclamation, enjoining those who call a public meeting to give 24 hours' notice to the proper authorities, and to state in writing the specific object for which the meeting is to be held. Should this object not be deemed strictly Constitutional, the authorities are empowered to prevent the meeting taking place. The promoters of a meeting are also, in some degree, made responsible for the proceedings, and persons who address the meeting are liable to an action at law for making use of inflammatory language, or discussing questions foreign to the purpose for which the meeting was called. This peremptory measure was adopted after the news arrived of the energetic steps taken by Her Majesty's Government respecting the Chartist meetings on Kennington Common; and I am happy to say has produced the most salutary effect.

The excitement against the Jews still continues in several counties, and has given rise in Presburg to a serious riot, in which it would appear several lives have been lost.

With this exception, order seems to prevail in every part of the kingdom, or more properly speaking, in the 49 Hungarian counties, the state of affairs in Slavonia and Croatia, especially in the latter, being far from satisfactory. The Croatians, in fact, refuse to acknowledge the authority of the Hungarian Ministers,—to receive the Acts passed by the late Diet, on the pretext that the Royal sanction was extorted by intimidation. The Ban of Croatia will not even acknowledge the Palatine as Viceroy of the kingdom. The Ministers have in consequence summoned the Ban to appear at Budapest [pronounced Boo-da-pesh], as the Hungarian metropolis is now termed—I believe

on the 10th of next month. Should he refuse to obey the summons, it will, in their opinion, be a proof that the Croats are supported in their pretensions by the Austrian Government. I know from the best possible source, that at a Ministerial Council held on the 23rd, the policy, justly or unjustly, attributed to the Austrian Cabinet, was stigmatized as perfidious; and I believe explanations have in consequence been demanded.

One of the last Acts passed by the late Diet was to empower the Ministers to raise 1,000,000*l.*, and to employ 800,000*l.* for railways, and 200,000*l.* for the regulation of rivers. This is, of course, only a preliminary grant until the next Diet, when Count Stephen Szechenyi's plan of forming several trunk lines of railway from Budapest to the extremities of the kingdom, at the expense of the State, will, with the necessary modifications, probably be adopted. In a work which the Count published on the subject in February last, he shows that in the course of 12 years they might raise, without the slightest pressure, 12,000,000*l.*; of which sum he proposes to employ 800,000*l.* for the regulation of rivers, 1,200,000*l.* for turnpike roads, and 10,000,000*l.* for railroads, the total length of which he calculates at about 1,400 (English) miles.

Your Excellency is, no doubt, aware that the Emperor has addressed a letter to the Palatine Viceroy, in which he intimates that Hungary ought to take a part of the national debt; in other words, that the Austrian Ministers require the Hungarians to pay 1,000,000*l.* annually as their part of the burden.

The present Ministers are sincerely desirous of retaining the Hungarian Crown in the House of Hapsburg; but it cannot be denied that, in Pesth at least, a strong Democratic spirit prevails, and that a very powerful party would be glad to abolish Royalty as they have already virtually abolished nobility. These people regard the Pragmatic Sanction, to which the Austrian Ministers attach so much importance, as an obsolete document of no value.

Among the minor signs of Republicanism may be cited the disrepute into which titles have fallen. One person, whose name I forget, has presented his golden key of Imperial Chamberlain to the National Museum, "as the relic of a by-gone age." The official address of a Minister is, in Hungarian, simply "Minister Ur," *i. e.* Mr. Minister. Count Stephen Szechenyi, who has the title of Excellency, is simply addressed as "Mr. Minister Szechenyi."

The Hungarian army will, of course, have to wear the national uniform; and the Ministers, previous to the next Diet, will no doubt take care to replace the Imperial cockade, which the Hungarian troops still wear, by the national one; the black and yellow sashes of the officers by tricoloured ones, and F. I. (Ferdinand I, Emperor of Austria) by F. V. (Ferdinand V, King of Hungary). Except in the

army, the national colours have been everywhere substituted for the Imperial ones—in all the public offices, barracks, sentry-boxes, doors, gates, railings, &c., throughout the kingdom.

The whole revenue of Hungary—mines and crown domains included—is now under the control of the Hungarian Minister of Finance. 300,000*l.* has been granted to the King for a civil list; but the annual sum is to be fixed by the next Diet.

H.E. Viscount Ponsonby.

J. BLACKWELL.

No. 23.—Viscount Ponsonby to Viscount Palmerston.—(Rec. May 17.)

MY LORD,

Vienna, May 12, 1848.

I HAVE the honour to transmit to your Lordship a further report which I have received from Mr. Blackwell. I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Acts passed by the Hungarian Diet.

THE Diet of 1843-4, after sitting for 18 months, ended without having been able to pass a single bill of any great importance, owing to the impediments thrown in the way of legislation by the Austrian Government. The proceedings of the present Diet, until the memorable 15th of March, were much the same as those of the last; and if the revolution had not taken place, it is more than probable that only a few unimportant bills would have received the Royal Sanction, and the more weighty ones quietly deposited in the Hungarian Chancery for future consideration. The resolutions passed by the Delegates on the 15th of March gave quite a different character to the Diet. All the bills under discussion were thrown aside, and a number of fresh ones—most of them of a provisional nature—introduced. The Diet has thus been enabled to pass 31 Acts in the course of 3 weeks, Acts which have effected a radical change in the Hungarian Constitution and in the future independence of the kingdom.

I shall proceed to offer a few remarks respecting these Acts.

ACT. I.—Is a mere record of the services of the late Palatine.

Previous to the Revolution, a bill had passed through both Houses, for the purpose of founding an institution in memory of the late Palatine. This institution would have been called the “Josepheum,” and endowed with funds for objects left for future consideration. This bill, after the Revolution, was thrown aside, and a phrase of panegyric is the only monument with which the Hungarian Legislature has thought proper to honour the memory of the Archduke Joseph.

ACT. 2.—Records the election of the Archduke Stephen as Palatine, and the fact that the letter of candidature was returned unopened.

ACT 3.—It was this Act that gave rise to such frequent conferences at Vienna. It is regarded by the Hungarians as a second “Golden Bull,” or Magna Charta, as it has rendered Hungary, to all intents and purposes, an independent kingdom, merely connected with Austria by the circumstance of the 2 countries being still under the sceptre of a common Sovereign.

It will be seen, in fact, that by the 6th clause the King of Hungary binds himself to exercise the executive power in every department of the State, civil, military, ecclesiastical, and financial, exclusively by means of a responsible Hungarian Ministry. By the 7th and 8th clauses he reserves to himself certain rights, viz., the right of nominating the higher dignitaries of the Catholic Church; the right of conferring titles, orders, &c.; the right of employing the Hungarian army when it is without the limits of the kingdom, &c.; but as these rights can only be exercised under the responsibility of the Hungarian Minister of Foreign Affairs, who is always to be near the person of His Majesty they will, in point of fact, be as much under the control of the Legislature as any other department of the Executive. In respect to the employment of the Hungarian army, for instance, which is the most important point, it is needless to observe that when the Hungarian troops now stationed in Galicia, Moravia, Lombardy, and other Austrian States, return to Hungary, they cannot be sent out of the kingdom again without an order of the Hungarian Minister of War, who of course would not issue such an order without being authorized to do so by the Diet. And supposing, for instance, that the Hungarians should at any time deem it advisable to furnish a contingent of troops to assist Austria against any foreign Power, a measure that would be tantamount to a declaration of war against that Power by Hungary, and the Austrian Ministers should advise the Emperor-King to employ them for some other purpose than that for which they had been furnished, against another foreign Power, or a province in insurrection, for instance, it is obvious that this could not be legally done without the Royal Order being countersigned by the Hungarian Minister of Foreign Affairs; so that, in point of fact, the Hungarian army, whether within or without the limits of the kingdom, is placed under the authority of Hungarian Ministers, responsible for their actions to the Legislative Assembly of the nation.

With the exceptions stated in §§ 7 and 8, all branches of the Executive are, in the absence of the King, to be exercised by the Palatine. On a change of Ministry taking place he has to appoint the Premier. Even the Acts passed by the Diet are to be submitted, not to the King, but to the Palatine, and receive the force of law by his sanction. In order to enable him to fulfil these high functions, the Archduke Stephen was created Viceroy, or more properly speaking Vicgerent, in Hungarian, “Helytartó.” He is thus invested with

far greater authority than a Viceroy of Lombardy, or a Lord-Lieutenant of Ireland, and is, in fact, so long as the King resides in Vienna, *quasi Rex*. For instance, almost all the Lords-Lieutenant of counties have been recently replaced by men of the Liberal party. The nominations have been made by the Palatine at the suggestion of the Minister of the Interior, the decrees being signed "Stephen Palatine and Royal Vicegerent," and countersigned "Bartholomew Szemere, Minister of the Interior."

By § 10 the Ministry is composed of a President, and, if he does not take any particular department, of 8 other Ministers.

One of these Ministers is to remain near the person of the Sovereign, and be the responsible Representative of the Kingdom of Hungary, and as such to exercise an influence in all transactions that relate to the common interests of Hungary and the hereditary States of the empire, and consequently in all transactions with foreign Powers. He is not designated in this clause by any title, but is styled in official documents, as well as by the public, Minister of Foreign Affairs (Külügyminister). Consequently the present Ministry consists of

A Premier or President.

Minister of Foreign Affairs.

Minister of the Interior (Belügyminister).

Minister of Finance (styled in Hungarian "Országos Penzügyminister," literally "Minister of the National Pence Affairs").

Minister of Public Works, Means of communication (Roads), and Navigation.

Minister of Agriculture, Industry, and Commerce.

Minister of Religion and Public Instruction.

Minister of Grace and Justice.

Minister of War (styled in Hungarian "Honvédelminister," literally "Minister of the Home-defence," i.e., of the department charged with the defence of the country).

It will thus be seen that the entire revenue of Hungary, from whatever source it may be derived, as well as the army, the fortresses &c., are placed under the administration of Ministers responsible to the Diet, and that the Executive Power is, with a few exceptional cases, exercised in the name of a *quasi Rex*, bearing the title of Palatine-Viceregent.

The remaining clauses of the Act are of minor importance.

According to § 25, a Minister has a seat in both Houses, but only a vote in the House of which he is a member.

Sections 32, 33, 34, and 35, relate to the impeachment of Ministers. The impeachment is to be made by the Lower House, the Minister or Ministers impeached, to be tried by a court of Magnates; for which purpose the Upper House will have to appoint by ballot 36 of its

members, 12 of whom may be rejected by the accused, and 12 by the Commission charged by the Lower House to conduct the impeachment.

ACT 4.—A Diet is to be held annually at Pesth.

The Members of the Lower House, who of course will no longer be bound by instructions, to be triennially elected.

The King has the right to prorogue the Diet, and may dissolve it before the expiration of the 3 years; but in the latter case he is obliged to summon another Diet within 3 months after the dissolution of the former one.

This right is however virtually annulled by the next clause, which expressly states that the annual session of the Diet cannot be closed, nor the Diet dissolved, before the accounts of the past year and the budget for the ensuing year have been laid before the Diet, and a decision thereon been taken by that Assembly.

The President and Vice-President of the Upper House are appointed by the King, the other officers by the House. The Lower House elects by ballot its President, Vice-Presidents, and all its officers. The Presidents of both Houses are appointed for the whole duration of the Diet, 3 years, the other officers only for a session.

ACT 5.—As this is a mere provisional law, it was deemed expedient to leave the so-called half-spurred nobles in possession of the elective franchise.

Thus § 1 states that the Diet, not feeling itself authorized to deprive any one of a political right, leaves all who have hitherto enjoyed the elective franchise in possession of it. It is needless to observe that this class of nobles will be disfranchised by the next Diet.

The qualifications for electors are—

§ 2. To have attained the age of 20 years; Hungarians by birth or naturalized; not under guardianship nor in domestic service, nor convicted of fraud, theft, murder, &c.

a. To possess in towns real property in houses or land, to the value of 30*l.*; in the country real property equal in value to a quarter-session of the former Urbarial law; *i. e.*, property equal in value to a plot of ground varying in extent in the different counties, but in general from 8 to 10 English acres.

b. The elective franchise is also given to manufacturers and tradesmen who have a manufactory, workshop, or shop. Also to artisans domiciled in a place, and who have a fixed employment, and work with at least 1 assistant.

c. Also to those who, not possessing any of the above qualifications, have a fixed income of 10*l.* yearly, derived from land or investments.

d. And unconditionally, or irrespective of their income, to all physicians, surgeons, lawyers, engineers, academical artists, professors, members of the Hungarian Academy, apothecaries, clergymen, chaplains, public notaries, and schoolmasters.

Burgesses of free towns, not having any of the above qualifications, but who have hitherto enjoyed the elective franchise, are still to retain it (i. e., until the next Diet).

Every one who is an elector may be elected ; or, in other words, the qualification for a Deputy is the same as that for the enjoyment of the elective franchise, except that the Deputy must have attained to the age of 24 years, and be conversant with the Hungarian (Magyar) language.

There are to be in all 446 Deputies ; viz., 377 for Hungary and the Annexed Territories, and 69 for Transylvania, when the union is effected. Buda and Pesth will return 7 Deputies ; the county of Pesth 10 ; the 3 Croatian counties 18 ; the Croatian, Slavonian, and Banat military frontiers 15.

It must be remarked, however, that the whole country, towns included, will be divided into electoral districts, and only 1 Deputy returned from each district. For instance, the city of Pesth will be divided into 5 districts, each of which will return 1 Deputy ; a system precisely the reverse to that adopted by the Provisional Government of France.

According to the 32nd §, as it originally stood when the bill was under discussion, the elections were to take place in the manner usually practised in Hungary ; that is to say, by a rude method of balloting, the balloting being in a great measure public, and therefore answering very inadequately the purpose for which such a method of voting was devised. As this Hungarian balloting has frequently been turned into ridicule, especially by Eötvös in his "Village Notary," the clause was amended, and the elections for the next Diet will take place by a committee publicly writing down the names of the voters, much in the same manner as in England. A regular *bonâ fide* voting by ballot will no doubt be afterwards introduced.

A Deputy is to receive a daily allowance of 10s., besides 40l. annually to pay for his lodgings in Pesth.

Most of the other clauses of the Act relate to the manner of registration and election. The registration (now in operation) is to be made under the superintendence of a central committee, assisted by local committees and the county magistrates.

ACT 6.—An Act for the *de facto* re-incorporation of the 3 Transylvanian counties. [See Summary, page 22.]

ACT 7.—Decrees the union of Hungary and Transylvania ; for the purpose of effecting which, a Transylvanian Diet is to be summoned as soon as possible. Transylvania to send 69 Deputies to

the Lower House, and a certain number of Transylvanian nobles to be members of the Upper House. But it is expressly stated that the Act is provisional, and that an equitable adjustment of the interests of both countries, and other ulterior measures, are left for the consideration of the first united Diet of Hungary and Transylvania.

I may observe that according to all accounts the Transylvanians are most anxious for the union to take place, a resolution having been passed at a public meeting held at Klausenburg, that if the Transylvanian Diet be not summoned previous to the meeting of the next Hungarian Diet, they, the Transylvanians, should regard the union as virtually effected, and send 69 Deputies to the Hungarian Diet accordingly.

ACT 8.—Establishes the principle of General Taxation for all classes without distinction. The Ministers to lay before the next Diet a plan for equitably adjusting the rates to be levied, which are to commence from the 1st of November, 1848; the amount of taxation to be of course decided by the next Diet.

ACT 9.—Abolishes the Roboth, the tithe of one-ninth of the produce to the landlord, and all other Urbarial services whatsoever, from the day on which the Act is published (April 11). Manorial Courts are also abolished. The landlords are to receive an indemnification, rather vaguely expressed by a high-flown Magyar phrase, viz., "The Legislature places the indemnification of the landed proprietors under the protecting shield of the national public honour" (*a nemzeti Közbesület véd-paizsa ala helyezi*).

ACTS 10, 11, and 12.—Acts passed as supplementary to the preceding Act, respecting certain Urbarial rights enjoyed by the peasants, such as that of cutting wood in the Manorial forests, &c.; also respecting Urbarial law-suits and suits brought before the Manorial Courts.

ACT 13.—Abolishes tithes to the clergy without compensation; or, according to the words made use of, simply records the fact of the clergy having voluntarily renounced taking tithes without claiming a compensation.

The poorer clergy, whose incomes were principally derived from tithes, to be duly provided for.

Lay persons who have acquired possession of tithes by contract, &c., to receive a compensation.

ACT 14.—Respecting the establishment of a Bank of Credit, particularly with a view to afford pecuniary assistance to the landed proprietors, a bill respecting which is to be prepared by the Ministry and submitted to the next Diet.

ACT 15.—Virtually abolishes the Aviticity laws, the Ministers being empowered to make the necessary modifications in the Civil

Code to be submitted to the next Diet for their complete and final abolition; all Aviticity law-suits to be meanwhile suspended.

ACTS 16 and 17.—The so-called autonomic rights hitherto enjoyed by the counties being incompatible with the present Constitution, and with an executive power exercised by a responsible Ministry, these Acts place the management of county affairs in the hands of permanent Comitatal committees, until the next Diet; or, more properly speaking, substitute these committees for the turbulent County Congregations.

ACT 18.—Provisional law on the Press, which has been severely criticised, and caused great dissatisfaction, especially III., § 30, 2, which requires the proprietor of a daily paper to deposit 1,000*l.* as caution-money. (The sum was originally fixed at 2,000*l.*, but after the bill had passed both Houses, it was again taken into consideration in consequence of the remonstrances of the Committee of Public Safety of Pesth, and the sum reduced to 1,000*l.*) Also, IV., § 37, which requires a person establishing a printing or lithographic press, to deposit 400*l.* as caution-money.

ACT 19.—Places the University under the jurisdiction of the Minister of Public Instruction; the said University to be henceforward conducted on what are generally termed Liberal principles.

ACT 20.—Recognizes the Unitarian religion; that is to say, Unitarianism is declared to be in Hungary what it has long been in Transylvania—one of the legally recognised Christian sects.

§ 2. Places all the legally recognized religions (Roman Catholic, Greek Church, Calvinist, Lutheran, and Unitarian) on a footing of perfect equality. The money required for ecclesiastical and educational purposes to be furnished by the State, which implies that the clergy of all the recognized religions are to be paid by the State. None of the schools to be exclusively confined to any particular sect, but open to all without distinction. Bills for carrying out these principles to be prepared by the Ministers and submitted to the next Diet.

The Catholic bishops are afraid that this Act will encourage Protestantism, which in a few years will no doubt be the predominant religion in Hungary.

ACT 21. Respecting the national colours, Hungarian vessels to bear the Hungarian flag. The Hungarian flag has three horizontal stripes of the same colours as the Italian, only in a reversed order, the Hungarian being red, white, and green; the Italian green, white, and red.

ACT 22.—Respecting the organization of the National Guards. The most important clauses of the Act are:

§ 1. All persons from the age of 20 to 50 are to serve in the National Guards, who are, 1st, not in domestic service; 2nd, who

possess real property in towns, of the value of 20*l.*; in the country, of the value of half a session (equivalent to from 16 to 20 English acres). Thus, by a strange anomaly or oversight, the qualification of a National Guard is higher than that for an elector [see page 690]; also those who possess an annual income of the value of 10*l.*

§ 3. Magistrates are empowered to admit persons not possessing these qualifications, but who are otherwise worthy of the honour, into the ranks of the National Guards, whenever they may deem it expedient.

§ 8. Optional for a person to serve in the cavalry or infantry; but those who do not choose the former, must serve in the latter.

§ 9. The National Guards elect their officers up to the rank of Captain. The field-officers, *i.e.*, all above the rank of captain, are appointed, in Hungary, by the Palatine-Vicegerent, on the proposal of the Minister of War; in the Annexed Territories, by the Ban (of Croatia).

§ 11. The Commander-in-chief of the National Guards, is, in Hungary, the Palatine; in the Annexed Territories, the Ban; in the Hungarian Littoral, the Governor.

Acts 23, 24, 25, 26, and 27.—Provisional Acts—until the next Diet—for the co-ordination (municipal reform) of the free towns and free districts.

Act 28.—The Palatine was *ex officio* Lord-Lieutenant of the county of Pesth and Captain-General of the Jászygians and Cumanians, but these officers being under the control of the Minister of the Interior, are not deemed compatible with his present high functions as Vicegerent of the kingdom. The present Act was therefore framed to place the county of Pesth under the authority of an Administrator, and the free districts of Jászygia and Cumania under that of a Palatinal Captain-General; the said Administrator and Captain-General to have the rank of Lords-Lieutenant, and, as such, seats and votes in the Upper House.

Act 29.—Declares judges to be the only officers of the Crown that are not removable.

Act 30.—Empowers the Ministry to raise 1,000,000*l.*, of which sum 800,000*l.* is to be employed for railroads, and 200,000*l.* for the regulation of rivers

Act 31.—A Provisional Act respecting theatres.

No. 24.—*Consul-General Fonblanque to Viscount Palmerston.*
(Received May 17.)

MY LORD,

Belgrade, May 4, 1848.

I BEG to inclose copy of my despatches to Sir Stratford Canning.

I have, &c.

Viscount Palmerston, G.C.B.

T. DE G. DE FONBLANQUE.

(*Inclosure 1.*)—*Consul-General Fonblanque to Sir Stratford Canning.*
(Extract.) *Belgrade, April 22, 1848.*

YOUR Excellency probably noticed the appointment of Colonel Jellachich to the high administrative post of Banus of Croatia. The choice was obviously founded upon Colonel Jellachich's long experience of the Bosnian military-frontier service, his undeniable abilities, and extensive popularity. The title of Councillor of State was conferred upon him at the same time, as appropriate to so distinguished a public trust. Within the last few days, however, his Excellency has received promotion of an unusual kind. Not only has the new Banus been carried over the heads of 39 colonels who were senior to him, but he has passed from the grade of Colonel to that of Lieutenant-General—an advancement unprecedented, I believe, even in the case of Archdukes of the Imperial Family.

The question of incorporating Slavonia with Hungary, is not yet decided. The Illyrians there would much prefer a connection with Croatia, though it is very doubtful whether they would long remain contented with it. The people with whom the Hungarians seem least likely to disagree are, the Saxons of Siebenbürgen; the great danger there is from the sudden turbulence of the Wallachs on the Carpathian line.

Tithes being abolished, the excessive endowments of some of the Hungarian clergy will be curtailed, and some of the episcopal revenues are sure to be reduced, should they (contrary to expectation) escape being secularized.

The Illyrian populace at Carlowitz, Neusatz, and other towns, destroyed the registers of births, marriages, and deaths, because they were kept in the Hungarian language; and much greater disorders are threatened, though on no distinct provocation. I understand a proclamation, or a rescript from the Government at Pesth, deprecates these signs of malevolence, in terms which do honour to its policy, its feeling, and the rhetorical expression of both. The Illyrians are adjured to consider that the Hungarians themselves have only been emancipated within a few days, that they mean kindly by all who are placed within their influence, and appeal to the sense of fairness of their Greek brethren, whether they ought to condemn them before they have had time to frame any measures for their advantage or otherwise? The clergy of the Oriental Church tell the people to "disregard these delusive assurances, and ascribe them to fear."

H.E. Sir Stratford Canning.

T. DE G. DE FONBLANQUE.

(*Inclosure 2.*)—*Consul-General Fonblanque to Sir Stratford Canning.*
(Extract.) *Semlin, May 1, 1848.*

I LEARN that the Illyrian leaders of public opinion now take a much more sober and rational view of the questions relating to their

national pretensions and incompatibility with the Hungarians; that they are resolved to waive all minor considerations of disparity, and ask to be united with the Croats. This purpose, which is warmly combatted by the Greek clergy and the Russian party, really looks like the best solution of the present difficulty, and may even avert those dangerous consequences which I dreaded. Your Excellency will probably have remarked that the Constitution for Croatia is not yet settled, though no doubt is entertained of its being, to the full, as liberal as that of any other State in the Austrian Empire. The Illyrians pledge themselves that, on the desired compromise being completed, they will prove their unvarying devotion to the Imperial Crown. The great remaining embarrassment of this class of antipathetic populations, will be that of the Slovaks, who inhabit the more sterile of the counties on the Carpathian frontiers, while all the luxuriant valleys are in possession of the Hungarians. These Slovaks and the people of Wallachian origin who side with them, are almost as numerous as the Magyars of all Hungary. In order to propitiate the Illyrians of these parts, the Government at Pesth has selected Atanascovits, the Greek Bishop of Buda, for a Ministerial Post in the Department of Public Education; and M. Hadchick (the Neusatz advocate who was so long employed in Servia) is, *ad latus*, at the Ministry of Justice, with an immediate probability of being confirmed as director of one of the divisions. The measure has failed of its intended effect: it comes too late.

The Hungarian line regiment which bears the name of Dom Miguel is about to march from Peterwardein to Agram, and thence to Lombardy.

The anti-Magyarism in the Banat is represented to be even more virulent than in Slavonia.

May 3.

Conflicting orders have lately been issued. A few days since, rescripts were received from the Government at Pesth, at Vankavar, Esseg, and other principal towns in Slavonia, requiring the authorities to attend solely to the directions which might be conveyed to them from the Hungarian Departments of State; and immediately afterwards, the newly-instituted Banus laid his injunction on the same functionaries, to yield obedience to no commands save those of "the Banus of Croatia, Slavonia, and Dalmatia," as he is styled in his patent.

H.E. Sir Stratford Canning.

T. DE G. DE FONBLANQUE.

No. 25.—Viscount Ponsonby to Viscount Palmerston.—(Rec. May 22.)
(Extract.) *Vienna, May 12, 1848.*

THE demand made by the Hungarians that an order should be sent to the Banus, to place himself under the orders of the Palatine

of Hungary, that is, that he should acknowledge the authority of the Hungarian Diet and Government, was consented to by the Imperial Government, for the purpose of preserving in office the existing Hungarian Ministry, which otherwise would, as it is said, have fallen and made way for men who would create great disturbance, perhaps anarchy in the kingdom.

It is certain that the Ban knows the reason by which the Imperial Government was moved, and it is believed, as well as hoped, that he will content himself with silent disobedience. He knows that the Hungarians are unable to enforce the order ; that the Hungarian Ministers themselves are perfectly aware of their own want of power, and therefore that no attempt will be made which will bring on a crisis. If this be so, time may be gained for an adjustment between Hungary and Croatia, which I presume must ultimately be accomplished by an abandonment of Hungarian pretensions. The Croats are, it is said, resolved not to allow any of their troops to be under the orders of the Hungarian Minister of War. They (the Croats) will only serve under the orders of the Emperor. It is also said that the Croats will not consent to sit in the Hungarian Diet, for which they have many reasons, and amongst them, that they do not speak the Magyar language, which by an Act passed some years ago at the instigation of Count Szechenyi, is the language to be spoken in that assembly ; and further, being less numerous than the Magyars, they would always be outvoted.

The Hungarians also pretend to the exercise of authority over the frontier military colonies, a pretension which they reject almost with scorn, founded on the idea of their own power being such as to make them more than a match for the Magyars, and able to overrun and ravage Hungary, if provoked by injuries.

If I am not in error, the Hungarian Ministers are now sensible that it is their interest to be closely connected with the Emperor, and the Emperor is certainly interested in the encouragement of the connection.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 26.—Viscount Ponsonby to Viscount Palmerston.—(Rec. May 31.)
(Extract.) *Vienna, May 24, 1848.*

I HAD the honour some short time ago to report to your Lordship some circumstances attending the settlement of the demand made by the Hungarian Government, that His Imperial Majesty should send an order to the Croats to submit to the superiority of Hungary. Your Lordship may recollect that the Imperial Government was said then to give its consent to the demand, under the notion that the Ban of Croatia having (as it was supposed) perfect knowledge of what passes in Vienna, would know that it would not be necessary for the

Croatians to take any notice of the affair, and might do no more than quietly allow it to drop, without paying obedience to the order.

I have now received a letter, dated Fiume, May 20, 1848, which I inclose. It contains an account of what took place at Agram on the 16th instant, on the communication made by the Ban of 2 orders received from the Viceroy of Hungary, which His Imperial Highness addressed to the Council, requiring the immediate recall of some publications, and declaring that martial law had been illegally proclaimed in Croatia. The orders were about to be burnt, but by the exertions of the Ban, that insult was not offered to the Imperial Government. The portraits, however, of the Viceroy and the Hungarian Ministers were publicly burned in the piazza before the Council House. The writer is of opinion that these proceedings leave no doubt of the intention of the Croatians to contest the right of the Hungarians to superiority; and he thinks the Croatians will declare their country a Vice-Royalty, independent of Hungary, and owing allegiance directly to the Emperor of Austria.

I have been aware of what was passing in Croatia, but I waited for such information respecting it as I could send to your Lordship. I foresaw the event in its substance.

The Croatians, including the Military Colonies, are the best affected and the best soldiers of the Empire.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Letter from Fiume.

May 20, 1848.

HAVING received instructions from the Consul-General at Venice, desiring me, now that communications between Venice and Fiume are so precarious, to lay before your Excellency any event that may occur at Fiume or in its vicinity, I have the honour to inform your Lordship, that this morning's post has brought the intelligence of a most serious disturbance having taken place at Agram, the 16th instant, on the occasion of the Ban's communicating 2 orders from the Viceroy of Hungary. The Council held, requiring the immediate recall of divers publications, and to declare the martial law, lately published, as illegally issued. After much noise and confusion, these orders were on the point of being destroyed by fire, and only saved at the earnest desire of the Ban, for whom the Croatians have an immense esteem. In this state of excitement the portraits of his Highness Prince Steffano, and those of his Ministers, were publicly burnt in the piazza before the Council House. This demonstration of the public feeling in Croatia leaves little or no doubt that it is their intention to contest with Hungary the right of superiority; and there is a great party spirit to declare themselves in a Vice-Royalty, independent of Hungary, owing their allegiance direct to the Emperor of

Austria. Under such circumstances, the welfare and safety of this Littoral is at stake. Our communications with Pesth are through Croatia, consequently the commerce and property of individuals are subject to great inconvenience, if not worse, and the few British resident merchants are alarmed at our exposed situation, in case of hostilities taking place between the Croats and Hungarians, which, however, I trust will not happen.

This day's post brings also the departure of the Emperor from Vienna, and the consternation here is general.

No. 27.—Viscount Ponsonby to Viscount Palmerston.—(Rec. May 31.)

MY LORD,

Vienna, May 24, 1848.

I HAVE the honour to transmit to your Lordship copy of a letter which I received at this hour, 6 o'clock P.M., as I was closing the bag, from His Imperial Highness the Archduke Francis Charles.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—The Archduke Francis Charles to Viscount Ponsonby.

Innsbruck, le 20 Mai, 1848.

D'ORDRE de l'Empereur j'ai l'honneur de vous avertir, M. l'Ambassadeur, que Sa Majesté ayant transporté sa Cour à Innsbruck, elle désire vous y voir auprès d'elle.

Je vous prie en même temps de vouloir bien vous charger de cette communication vis-à-vis de Messieurs vos collègues, qui seront également vus avec plaisir.

Agréez, &c.

H.E. Viscount Ponsonby.

FRANCOIS CHARLES.

No. 29.—Consul-General Fonblanque to Viscount Palmerston.

(Received June 16.)

MY LORD,

Belgrade, May 22, 1848.

I BEG to inclose copy of my despatch of this date to Sir Stratford Canning.

I have, &c.

Viscount Palmerston, G.C.B.

T. DE G. DE FONBLANQUE.

(Inclosure.)—Consul-General Fonblanque to Sir Stratford Canning.

(Extract.)

Belgrade, May 22, 1848.

I HAVE the honour to inform your Excellency that the General commanding the corps d'armée round Peterwardein is appointed Special Commissioner for adjusting the difference between the Croats, &c., and the Magyars, and his Excellency will proceed to Agram at the end of this week. General Rhabowsky, a Hungarian by birth, and a kindly-disposed man, professes not to consider himself the agent of the King or Government of Hungary, but accepts the mission on the written request of the Emperor of Austria, and purely in the

intent of pacification. It is generally believed, however, that the matter is beyond the reach of negotiation. Since the Palatine's portrait was (twice) publicly burnt at Agram, with the knowledge and consent of the higher authorities, if not in their actual presence, the Croatian people consider themselves at open war with the Hungarians, and all are occupied in preparation for a combat they desire, and which they believe to be certain. The Banus has appointed a set of Ministers (amongst them, a Minister for Foreign Affairs, it is said). The Minister of Finance is a person named Gaurilavitch, a Servian. The Slavonian and Sirmian movements are for the most part national and natural impulses.

To convey a notion of what sort of conditions some of the more peacefully disposed slaves think it would be just possible to induce the masses to consent to, I reproduce part of the outlines.

"A single Legislative Chamber, the members of which are to be chosen by the entire population, in the proportion of one for every 40,000 inhabitants.

"An Executive Council, elected by the Chamber, to propose the names of those from whom the Ministers of the Crown are to be taken, the list, and the choice, to maintain the proportion of not less than 5 to 3 of Illyrian over Magyar nationality.

"The Latin language to be restored as the diplomatic one of the whole country.

"Registrations, contracts, law and municipal proceedings, to be either *bi-linguar*, or in the language of the majority of the inhabitants of the particular districts, unless where litigants and witnesses happen to be all of the same nationality with the competent authority, and agree to the pleadings and records being made in the same language.

"Repudiation of all Austrian liabilities, and of all descriptions of incumbrances, obligations, and forfeitures connected with the old empire (meaning the empire up to the time of Prince Metternich's removal from power.)

"The final abolition of all nobiliary titles, feudal tenures and privileges," (a clause which the Croatian leaders would strenuously oppose), &c.

If all that I have attempted to describe to your Excellency on this head were now an ebullition mainly referable to the example elsewhere, and to the spread of popular success in other directions, it might, after a time, subside to a temperate point, at which the redress of obvious grievances usually let in conciliation and compromise. But in the mind of the vast majority, the case now presents itself under a different aspect. The idea which prompted the present movement was formed on no sudden impulse evoked by the course of events, though events have coincidentally favoured the development in a remarkable degree.

The garrison of Peterwardein is composed principally of two battalions of the Hungarian regiment Dom Miguel. There are some Illyrians amongst the officers and in the ranks of this corps.

H.E. Sir Stratford Canning.

T. DE G. DE FONBLANQUE

No. 30.—Viscount Ponsonby to Viscount Palmerston.—(Rec. June 26.)

MY LORD,

Innsbruck, June 18, 1848.

THE Ban of Croatia has arrived here. I have heard, as I before reported to your Lordship, that the Hungarians will yield, and therefore that things will go on quietly for the present. I inclose an address from the Croatian Deputies to the Tyrolese, which shows the feeling of the former. They are certainly adverse to the anarchy in Vienna.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Address of the Croatian Deputies to the Tyrolese.

(Translation.)

Innsbruck, June 17, 1848.

BRAVE PEOPLE OF TYROL AND VORARLBERG!

YOU see us a second time within a short period in your friendly and hospitable capital.

Receive our hearty and two-fold greeting! Accept at the same time our warmest thanks for the renewed proofs of your attachment, which you could not show in a fairer manner than by the distinguished reception which you gave to our worthy well-beloved Ban, Joseph Baron Jellachich. He is no stranger to you, for there is still many a worthy old man on your mountains who fought by the side of his father, General Francis Jellachich, and won the victory at Feldkirch, and who shared his toils and his glory in those memorable days of Tyrol and Vorarlberg. Bregenz bestowed upon him the right of citizenship—and in his son this right still exists, and at the same time the important signification derived therefrom, that he unites in his person the loyalty both of the Croatian and the Tyrolese.

Brave people of Tyrol and Vorarlberg! our nation resembles yours in loyalty and courage; but happier are you, for you harbour among your mountains our gentle, our gracious Emperor. Happier also are you, because no hostile element opposes itself to your freedom, to your development. Boldly and uninterruptedly you will pursue the path of progress, and reap the fruits of your loyalty; while we, who are as firm as you are, have anxiously to expect still our well-deserved reward.

Do you inquire what we want? We will openly tell you.

We wish to be and to remain true to our well-beloved King and ruler. We wish for a great, strong, and happy Austria, whose power shall not be curtailed in her external and internal policy by dissensions. We wish to exist with equal right, and as free as all our other

brethren, whatever nationality they may belong to. A proof that we speak openly and truly may be found in the fact of 30,000 of the bravest sons of Croatia and Slavonia fighting in Italy with ready devotion to their Emperor and country, and in our straightforward endeavours to avoid being torn asunder from that strong union which binds us to you, and which has hitherto held together all the parts of our fair monarchy.

You, brave people of Tyrol and Vorarlberg, are a free and noble-minded people, who never harboured the thought of employing your own liberty to oppress the rights and nationality of other people; and therefore we are also certain that you will not refuse your sympathy with these our wishes.

Lawful liberty and order, unshakeable loyalty to our Monarch and country! This is our motto, and will always be so.

Long live our beloved Emperor and King Ferdinand.

Long live our brave brethren of Tyrol and Vorarlberg.

THE DEPUTIES OF THE KINGDOMS OF
CROATIA AND SLAVONIA.

No. 31.—Viscount Ponsonby to Viscount Palmerston.—(Rec. July 1.)
MY LORD, *Innsbruck, June 23, 1848.*

I HAVE seen a letter dated the 19th instant, from Hungary, written by a person who must be extremely well acquainted with that country, and in which the strongest apprehensions are expressed of the state of the southern parts of the kingdom.

We know here that the wishes of the Ban are to maintain his allegiance to the Emperor and to support the Imperial authority, and that the Ban's determination is not to submit to the authority of the Hungarian Government. It was said, that the attempts made by that Government to force his submission were abandoned, and the question arranged amicably; but there now appears in a paper published by the Minister Pillersdorf, an order issued in the name of the Emperor, commanding the submission of the Croatian authorities to the Hungarian Government. We are told that the Palatine is expected here to-morrow.

I think it right to let your Lordship hear that there are these stories abroad touching Hungarian affairs, and I inclose an address from the Ban to the Croatian regiments in Italy, strongly marking his wishes to be such as I have mentioned above.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—*Address of the Ban of Croatia to the Croatian Regiments*
(Translation.) *in Italy. Innsbruck, June 20, 1848.*

TO MY BRAVE BRETHREN IN ARMS AND COUNTRYMEN!

YESTERDAY I, your Ban, was so fortunate as to obtain an audience of our gracious Emperor and Sovereign, when His Majesty was pleased to state to me that he had appointed a mediator in the person of His Imperial Highness the Archduke John, to settle the differences between Hungary and our country, in accordance with the desire we had expressed.

In order to facilitate this important and difficult negotiation, it is above all necessary that order and tranquillity should be maintained in our country.

Unfortunately disorders have already broken out at Carlowitz in Slavonia, but I have already taken the necessary steps to prevent any further acts of violence; and I trust that the sound sense of the nation will listen to my exhortation that they should await peaceably the arrangement to be brought about by the Archduke John.

In this sense do I now address you, my comrades. Do not allow yourselves to be diverted by reports and fears for the safety of your country from the arduous but honourable duty imposed upon you of defending the Throne and the State in Italy. Already does the praise of your heroism and of your perseverance under difficulties resound through all Europe. Do not soil your renown by any act incompatible with your oath of allegiance, or unworthy of yourselves, or your brave forefathers.

There, where you stand, is the beloved Emperor, the whole Monarchy, at stake; and be assured that we still feel ourselves strong enough at home to protect our homes and defend our right and nationality without assistance from you.

JOSEPH BARON JELLACHICH,
Field-Marshal Lieutenant and Ban.

No. 32.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. July 4.)
(Extract.) *Innsbruck, June 25, 1848.*

THE Hungarians have lately completely failed in forcing the Croats to submit to their superiority, although they employed the authority of the Austrian Government. The Seven Towns, being a large portion of Transylvania, have protested against being included in the union made between Transylvania and Hungary; and it has lately been seen that the Hungarian Government could not induce certain of its own troops to act against the Croats; and it is asserted with great confidence, that should a struggle take place between them and the Banus, he could easily beat the Hungarians. The disunion of the Hungarians and Croats deprives the former of the command of that territory in which Fiume is situated, and there-

fore places, to a certain degree, the foreign trade of Hungary in a dependent state, and diminishes its value. The Croats possess an immense sea coast; and the frontier colonies afford, perhaps, the best soldiers of the Austrian armies. Some time ago the Banus summoned a Diet; his legal power to do so was denied. He refused also to acknowledge the Palatine. He came to Innspruck the other day, and being questioned upon the subject he said, "I am here in your power; arrest me, if you please; but what I did was done by the will of our people. Arrest me, if you please; but if you do, the Croats will recall all their soldiers from Italy, and I cannot prevent it."

The Ban was extremely well received by the Tyrolese; they know him to be the friend of the Emperor. I have mentioned the Ban and the Croats, because it appears to me that they may be instrumental in preserving the empire, by aiding at the proper time in the support of the just authority of the Sovereign against the Republican party.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 33.—Viscount Ponsonby to Viscount Palmerston.—(Rec. July 7.)
 MY LORD, *Innspruck, June 29, 1848.*

IN my despatch of the 25th instant, I mentioned the fact of the inhabitants of Transylvania having protested against their union with Hungary; I have now to inform your Lordship that the obstacles to the union appear to have been removed, and all Transylvania now consents to the union. I believe Prince Paul Esterhazy signed a Treaty for that purpose yesterday.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 36.—Mr. Magenis to Viscount Palmerston.—(Received July 26.)
 MY LORD, *Vienna, July 16, 1848.*

AT the sitting of the 11th instant of the Hungarian Diet, which was opened a few days before at Pesth by the Archduke Palatine, as representative of the Emperor and King, M. Kossuth, the Finance Minister, proposed to the Assembly to authorize the Government to levy 200,000 troops, and to raise 4,200,000*l.*, partly by taxation, and partly by loan; of the men, but 40,000 are to be raised at the present moment, and from 800,000*l.* to 1,000,000*l.* of the money.

He is said to have introduced his motion by a speech of great eloquence, which has not as yet appeared in the German Papers, and to have so completely carried with him his audience, that his proposal was voted by acclamation before he had concluded his speech.

These fresh troops, if they are really levied, will enable the Hungarian Government to meet its internal difficulties without withdrawing from other parts of the Empire Hungarian regiments, and

thus facilitate the reinforcements which this Government is sending daily to their Italian army.

I have, &c.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

No. 37.—*Mr. Magenis to Viscount Palmerston.*—(Received August 9.)

MY LORD,

Vienna, August 3, 1848.

THE Banus of Croatia, Baron Jellachich, arrived here last week, previous to the departure of the Archduke John, for the purpose of endeavouring to arrange amicably with the Hungarian Minister, Count Louis Batthyany, the dispute between their respective countries, which has already led to bloodshed and loss of life.

The Palatine arrived some days later to be present at this conference.

I regret to add that nothing favourable has resulted from this meeting, though at one time it was hoped that an amicable arrangement was likely to be come to, as it was understood that the Hungarian party had consented to one of Baron Jellachich's conditions; namely that the Hungarian and Croatian army should continue under the orders of the Austrian Minister of War, and should not form an entirely separate army under the orders of their own Minister at Pesth. The Banus was anxious that the finances should also be under one and the same Minister at Vienna; a condition which offered, however, greater difficulties in practice. The negotiation was, I understood, broken off on minor questions of international administration, and both parties have returned home with the intention of deciding their disputes by force of arms.

Baron Jellachich, while here, was received with marked favour by the Austrians. The officers of the garrison, with the exception of those belonging to the Hungarian regiments, waited on him in a body to compliment him. He stated in a speech which he made on that occasion, that he had sworn fidelity to the Emperor, and that he would act up to the spirit of that oath, cost what it might; and in this dispute with Hungary, he has certainly supported what may be regarded as Austrian interests.

Baron Jellachich is said to have spoken with great confidence of his success, and though I have no particular information as to the respective military forces, it is generally thought that the Croats are better prepared than their adversaries for an appeal to arms.

I have, &c.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

No. 38.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. Aug. 15.)

MY LORD,

Innsbruck, August 8, 1848.

THE Hungarian deputation, composed of some of the first men in Hungary and others of consequence, came here to request His

Imperial Majesty to take up his residence for a time at Pesth. His Imperial Majesty replied, that he had informed the deputation from the Diet at Vienna, that he would return to the capital, and therefore was unable to comply with the desire of the Hungarians. The deputation then said, that they hoped His Imperial Majesty would honour Pesth with his presence at the solemnity of closing the Diet, which the Emperor promised he would do.

It will be a strong act indeed if the ruling party at Vienna refuse to permit the King of Hungary to visit his kingdom.

His Majesty left Innspruck this morning.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 42.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Sept. 15.)

MY LORD,

Vienna, September 8, 1848.

THE Emperor refused to receive an address as it was drawn up by the Hungarians, as I am told; it was on account of the mode of expression.

The Deputies, 100 of the Second Chamber, 20 of the First Chamber, are occupied in drawing up a new address.

The point most insisted upon is, that the Emperor shall go to Pesth. I think I can say that the Emperor will not go.

Jellachich is advancing in great force; some of the Hungarian regiments have refused to act against Jellachich. They have said, that they will obey only the Emperor's orders.

Prince Paul Esterhazy has resigned his office. Louis Batthyany says, he holds office only as a titular possession, but does not act as Minister.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 43.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Sept. 16.)
(Extract.)

Vienna, September 11, 1848.

THE Hungarian deputation have amended the language of the address to His Majesty, which they at first proposed to make, and which is said to have been very indecorous. They were received by His Majesty, who gave them an answer (of which I cannot learn the precise terms, as there are many differing reports of it) containing generalities, which led to nothing satisfactory to the deputation, and they left Vienna, having hoisted the red flag and wearing red cockades and feathers in their hats.

This deputation was on its journey refused admission into the city of Presburg, on account of the red flag.

It is supposed that Jellachich may be at or very near Pesth in about 8 days.

The ultra-democratic party and clubs had a meeting yesterday;

they are to have a larger one to-day, and a larger still to-morrow. The National Guard and troops are held ready to prevent disorder. The party is acting in unison with the same party in Hungary.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 46.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Sept. 26.)

MY LORD,

Vienna, September 20, 1848.

THE Hungarian Deputies desired that they should be admitted to the bar of the Reichstag, and that their President or chief, M. Deak, should be allowed to ascend the tribune, and from thence expose to the Assembly the situation and wishes of the Hungarian Diet and nation.

The Reichstag refused the request by a majority of 78 votes, and then it informed (by its President) the deputation, that if they (the Hungarian deputation) thought proper to present a petition to the Reichstag, and place it in the hands of the President, the Reichstag would take it into consideration.

I believe that the deputation will not present any such petition; it would be an act of derogation for a Representative body of an independent State to offer a petition to the Representative body of another State; however, it is presumed that the true end for which the Hungarians sent a deputation was to obtain the means for making an appeal to the people at Vienna, passing by the executive authority and the Emperor. It is possible that, failing as they have done in the first attempt, they may endeavour by a petition to effect their main purpose. The Hungarians desire to get military and pecuniary assistance from the Austrian Government against Jellachich. The Austrian Government will not give either.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 47.—Viscount Palmerston to Viscount Ponsonby.

MY LORD,

Foreign Office, September 29, 1848.

WITH reference to your Excellency's despatch of the 20th instant, reporting the disagreements of the Hungarian Diet and the Reichstag, I have to say, that it is much to be wished that the Austrian Government may be able to pursue a course of policy which may keep together and reunite in a closer and firmer manner those discordant elements of the Austrian Empire whose differences seem at present to threaten it with dissolution. But such a result can hardly be accomplished, as some persons about the Court of Vienna appear to think, by military force alone.

I am, &c.

Viscount Ponsonby.

PALMERSTON.

No. 48.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. Oct. 2.)

MY LORD,

Vienna, September 26, 1848.

THE Archduke Palatine has resigned, and is about to leave this, it is said, to travel.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 52.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. Oct. 9.)

MY LORD,

Vienna, October 2, 1848.

YOUR Lordship knows of the murder of General Lamberg at Pesth, and that he went there as Commander-in-chief of all the troops, including those under Ban Jellachich; and that he was also charged with the negotiation for an amicable settlement of affairs with the Hungarian Government. The proceedings of Kossuth on the occasion induced the greater part of the Hungarian men of consideration to fly from Pesth, and we have now in Vienna the last Minister, Louis Batthyany, and a number of others who have sought for safety here and some of whom were proscribed, Louis Batthyany being one.

The Austrian Government is to make the Ban Generalissimo of all the troops. The Hungarian regiments of hussars which had taken part with Kossuth and the Hungarian Government, as it assumed to be, have submitted to his authority. Thus a step which is thought to have been a bad stroke of policy on the part of the Austrian Government has, by the murder of the poor General in Pesth, turned out to be extremely advantageous to the Imperial Government.

It is believed that Jellachich may be soon in possession of Pesth. It is said that Kossuth has fled; that a vast number of the Magyars look to the Banus as their best supporter and guard; and it is hoped that the affairs of Austria and Hungary may be now settled upon a satisfactory basis. Pesth has hitherto been under the influence of the same party whose works have produced mischief in Paris, Frankfort, Berlin, and Vienna, and in all parts of Germany and Italy. The authors and actors of attempts to create and to make successful a system of social war, under the name and pretence of men seeking political liberty.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 53.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. Oct. 11.)

MY LORD,

Vienna, October 5, 1848.

I BELIEVE the following will be, as far as it goes, an account very near the truth of the actual state of the military forces near Pesth.

Kossuth, who is still in Pesth, has the soldiers belonging to some regiments of hussars, who, seduced by the ruling party in that city, abandoned their officers; the number of men may be above 2,000. Their discipline and real power your Lordship will estimate. There

is, besides, a very considerable levy of peasants and volunteers, armed more or less well.

Jellachich has under his order 10,000 good troops and a large body of Croats well armed, and with discipline enough to be under direction, though not to be restrained as much as they ought to be, from the commission of acts of pillage.

He has taken his position a short way from Pesth, where he will have received the commission of Generalissimo of all the Imperial forces, as your Lordship will see in the inclosed translation of the Emperor's manifesto.

It is believed that Jellachich will take possession of Ofen, and will summon the inhabitants of Pesth to give submission to the Imperial commands, under pain of the bombardment of that city in case of refusal to submit.

Reinforcements for Jellachich's army have been sent by the Imperial Government, consisting of from 3,000 to 4,000 regular troops. These troops will some of them have already reached Jellachich.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—*Manifesto appointing Baron Jellachich Royal Commissioner in Hungary.*

(Translation.)

WE, Ferdinand the First, Constitutional Emperor of Austria, King of Hungary and Bohemia, &c.

To the Barons of the Empire, to the Spiritual and Temporal Dignitaries, Magnates, and Representatives of Hungary and the Principality of Transylvania, assembled in the Diet convoked by us in the free city of Pesth, we send our greeting and good wishes.

To our deep regret and indignation, the House of Representatives has been led by Louis Kossuth and his followers to the most illegal measures; many illegal resolutions in opposition to our royal will have been carried into execution; and lately a resolution was adopted on the 27th September, against the mission of our royal Commissioner, Lieutenant-General Count Francis Lamberg, charged to re-establish peace, before he could even produce our full powers; in consequence of which, this our royal Commissioner was violently attacked in the public streets, and murdered in the most cruel manner. In consequence of which circumstances, we feel ourselves compelled, in conformity with our royal duty, to maintain security and uphold the law, to issue the following orders, and command their execution:

1st. We dissolve hereby the Diet in such a manner that after the publication of this our present manifesto, its sittings are to be immediately concluded.

2nd. We declare all resolutions and ordinances of the present

Diet which have not received our royal sanction, illegal, void, and without effect.

3rd. We place hereby under the command of our Ban of Croatia, Slavonia, and Dalmatia, Lieutenant-General Baron Jellachich, all troops stationed in Hungary and its adjacent kingdoms, and Transylvania, as well as all armed bodies of every description, whether they be national guards or volunteers.

4th. The kingdom of Hungary is placed under martial law, and consequently the authorities whom it may concern are forbidden to hold county, town, or district meetings, until the disturbed peace and order are re-established in that country.

5th. Our Ban of Croatia, &c., Baron Joseph Jellachich, is hereby accredited as our royal Plenipotentiary and Commissioner, and we give him full powers and authority, in order that he may take such measures in the limits of the executive power, with which he is invested in the present extraordinary circumstances, as the representative of our royal Majesty.

In consequence of these our highest full powers, we declare that whatever the Ban of Croatia may order, arrange, conclude, and command, is to be regarded as if ordered, arranged, concluded, and commanded by our supreme royal power; and we consequently hereby graciously order all spiritual, civil, and military authorities, agents, dignitaries of every class and rank of our kingdom of Hungary and Transylvania, and the neighbouring kingdoms, to follow and obey all orders signed by Baron Joseph Jellachich, in his capacity of our royal Commissioner, as they are bound to obey those of our royal Majesty itself.

6th. We especially order our royal Commissioner to take necessary measures against those persons who attacked and murdered our royal Commissioner, as well as against all instigators of and participators in that dreadful crime, and to pursue them with the utmost rigour of the law.

7th. The other current affairs of civil administration will, in the meantime, be carried on by the persons employed in the respective Ministries, according to law.

The mode by which the guarantee and direction of the common interest of the united monarchy are to be permanently based, the perfect equality of the various nationalities for ever secured, and thus the reciprocal relations of the nations and people united under our Crown settled, will be deliberated and decided on by representatives for every part.

Given at Schönbrunn, the 3rd October, 1848.

ADAM RECSEY, *Prime Minister.*

FERDINAND.

No. 54.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Oct. 13.)

MY LORD,

Vienna, October 7, 1848.

I CANNOT give your Lordship details at this moment of the events of yesterday, and I will detain the messenger till to-morrow or next day, in order to report all I can learn of them.

The disturbance* was but little resisted by the military, who were left much without orders, and none of the measures of precaution seem to have been employed which had been so much talked of. General Latour was surprised and murdered in the War Office, and his naked body hung up to a lamp-post. Baron Wessenberg and M. Bach, Minister of Justice, escaped; the first reached the country in safety; the latter was supposed to be in the arsenal, but was not so, and is still safe. The soldiers and some national guards in the arsenal defended it all the day and all the night, but not being succoured by the troops, gave it up by a sort of capitulation to the national guard this morning, and then it was plundered by the people.

The Reichstag was in permanent sitting much of the night, and passed measures which it is said were ratified by the Emperor; namely, the Reichstag named M. Dobblhoff and M. Hornbostl Ministers, and voted that the military should never be allowed to come within a certain distance of the city, and also that an amnesty should be granted to all persons, for all acts, civil or military, connected with the events of yesterday.

The Emperor and those members of the Imperial Family lately here, left Schönbrunn about 7 o'clock this morning, under the protection of 6,000 troops of this garrison and the neighbourhood. It is said, that His Imperial Majesty took the road towards Linz.

I have just heard that His Imperial Majesty, previously to his departure, addressed a strong proclamation to the Reichstag, declaring that he left Schönbrunn, because Vienna was in the hands of a faction, and that he would take measures to preserve order. This proclamation was received in respectful silence by the Reichstag, and a committee appointed to consider what was to be done.

Baron Wessenberg and M. Bach are said to have followed His Imperial Majesty.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 57.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Oct. 18.)

MY LORD,

Vienna, October 11, 1848.

I STILL detain the messenger, as nothing decisive has occurred;

* It appears from a subsequent paper (Inclosure in No. 58), that this outbreak was occasioned by an attempt of the Government to send Austrian troops against the Hungarians.

but it is hardly probable that the existing state of things can continue much longer.

The Reichstag sent yesterday deputations to Count Auersperg, the commander of the garrison, and to Baron Jellachich, whose headquarters are at Rothen Neusiedl, about an hour's distance from Vienna.

They requested the former to withdraw his troops from the position where he has concentrated the entire garrison in the gardens of the Schwarzenberg Villa and of the Belvidere Palace; and Count Auersperg declined doing so for the present, but said he would comply with their desire as soon as he deemed it safe to do so. He adverted to the murder of Count Latour as an instance of the exasperation against the military, to which M. Pillersdorf, the reporter of this deputation, replied that it was an isolated instance of violence, which the Reichstag deplored as sincerely as Count Auersperg. M. Pillersdorf, in reporting to the Diet this conversation, hoped that he had correctly expressed their feelings, and was answered by cries of "Yes, yes." I enclose in translation, the substance of Baron Jellachich's reply.

Count Auersperg is said to have received reinforcements, which makes his force amount to from 15,000 to 20,000 men. The reports of the force under Baron Jellachich are so contradictory, that I can hardly state their amount; but his answer would seem to argue that he has a considerable force to support him.

The interior of this city is in a state of great agitation; arms have been distributed to every one who chose to take them, and alarms are constantly sounded. Last night at about 12 o'clock the bells were tolled and the "générale" beaten, upon the apprehension of an attack. It turned out that two patrols of national guards had met each other in one of the faubourgs, and having no common pass-word took each other for enemies. Great apprehension is felt by the ruling party in the city, though they talk loud and confidently.

I have just heard that M. Hornbostl has tendered his resignation; and as M. Dobblhoff is unable, from his state of health, to take any part in business, the Minister of Finance, M. Krauss, remains alone.

It is reported that Prince Felix Schwarzenberg has been summoned to the Emperor.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—*Substance of Baron Jellachich's Reply to the Deputation from the Reichstag.*

(Translation.)

Roth Neusiedl, October 10, 1848.

THE motives of his advance are those which he, as a servant and soldier of the State cherishes. As a servant of the State, it is his

duty to oppose anarchy; as a soldier, the thunder of the cannon points him out his route. His object is to support the monarchy upon the principle of equal regard to nationalities. Receipts will be given for the provisions of his troops; their quarters will inconvenience no one, for they encamp. He is not pursued by Hungarian troops; upon Austrian soil he only knows Imperial troops. If he be attacked, he will repulse force by force.

No. 58.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Oct. 19.)
 MY LORD, *Vienna, October 14, 1848.*

NOTHING very material has occurred in the relative positions of the armed force within this city and the united military forces of the Ban of Croatia and Count Auersperg which invest it, since my last despatch to your Lordship. Reinforcements continue to arrive daily from Bohemia, Styria, and Galicia; and the united troops now collected round Vienna cannot I believe be less than 60,000 men, though it is next to impossible, in the mass of contradictions which are daily circulated, to arrive at the exact truth.

The troops of Baron Jellachich have occupied Schönbrunn and the surrounding villages, and have disarmed all the national guards or other armed bodies there; they are reported to have got as many as 4,000 stand of arms. Some slight skirmishes have taken place in consequence of students and national guards venturing beyond the lines, which have always ended in their repulse, and an alarm in the city that the Croats were attacking. Some regiments which arrived from the interior have taken up a position at Nussdorf on the Danube above Vienna, so that the city is nearly invested.

A very violent address from the Diet at Pesth, which I have the honour to inclose in translation, was presented to the Reichstag by an Hungarian deputation, and received with great applause. Your Lordship will perceive that the offer of an Hungarian army to attack the Croatian forces is made, and 40,000 men are even said to be within a few hours of Vienna; a small proportion, however, of that number consists of regular troops; and the Croatian and Imperial troops are considered sufficiently strong both to keep the city in check and to repulse any attack on the part of the Hungarians.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Address of the Hungarian Diet at Pesth to the Reichstag.
(Translation.) *Pesth, October 10, 1848.*

THE Hungarian nation which is engaged in the sacred contest for its freedom and rights against the treason of the reactionary Camarilla and its perjured hirelings, unheard of in the history of the world, is impressed with the warmest feelings of gratitude for the

heroic devotion of the noble inhabitants of Vienna, by means of which it has distinguished itself so nobly in preventing the increase of the traitor Jellachich's army.

The Hungarian nation declares before God and the world that it regards the freedom of Austria as of equal value with its own, and will always consider it to be its most sacred duty to assist in the maintenance of it to the utmost of its power, in conformity with the wishes of the Austrian nations.

It is a common danger which menaces the freedom of both nations. Hungary is determined to reject every Treaty with the Camarilla and its perjured hirelings, and acknowledges itself to be the pledged friend, faithful confederate, and brother of the Austrian nations, and declares itself unalterably resolved to consult their mutual interests to the satisfaction of both parties, upon the broadest basis of right, justice, and true fraternity, and for this purpose offers its friendly assistance.

Hungary offers at the same time its warmest thanks to the honourable Diet, for the energetic measures it has taken to prevent the advance of a reactionary soldateska which was appointed to assist the robber hordes of Jellachich.

But, at the same time, the Hungarian Government feels itself bound to acquaint the honourable Diet with the fact that it has received information that, in spite of the above-mentioned measures, the rebel Jellachich has still succeeded in obtaining about 13,000 men, reinforcements from Austria, and that our poor betrayed country is also threatened with an invasion of the army quartered in Galicia.

The Hungarian nation entreats the noble Representatives of Austria, on the other hand, to interfere with decision, and in like manner as we declare every Hungarian a traitor to his country who raises his godless hand against the freedom of Austria, so to declare every Austrian subject to be traitor to his country who gives the slightest assistance to the rebel Jellachich, the perjured instrument which the Camarilla has chosen for the suppression of the freedom of Hungary and Austria. The rebel Jellachich drives his hordes with grape-shot into the combat against liberty. It is very probable that he, when pressed by our brave troops, will throw his robber hordes upon the Austrian territories, and it is possibly his intention to threaten Vienna. The Hungarian nation is firmly convinced that should this occur, he will fall without hope of safety under the avenging sword of the free sons of Austria; but, nevertheless, the Hungarian nation considers it as its holiest duty of gratitude towards Vienna and Austria, in such an event, to pursue Jellachich, and to support the noble Austrian people in the work of his well-merited destruction. On this account the Representatives of the Hungarian nation have given the command to the Hungarian army to follow Jellachich wherever he may have gone. Yet the Hungarian nation

declares before God and the world, that in the case of their troops being obliged to pursue the flying foe into Austria, they have no intention thereby of violating Austrian territory, but in this case the Hungarian nation only follows the impulse of gratitude, which makes it a duty of honour for them not to leave the noble inhabitants of Vienna without support against the common enemy.

May the honourable Diet receive this well-meant and sincere declaration with fraternal love. The Hungarian nation declares that the troops will halt and return to Hungary at the same moment when the noble Representatives of brave Austria shall have informed the commanding officers that the disarming of the common enemy has been effected through their own power, and the co-operation of our troops in the common contest for freedom is no longer necessary. The Hungarian Government has given the strictest commands that in the case of the advance of the Hungarian army, that their provisioning, even upon Austrian soil (which to us is sacred), will be sent to them from Hungary, and the noble people of Austria will not thereby incur the slightest burthen.

No. 60.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Oct. 24.)

MY LORD,

Vienna, October 18, 1848.

ALTHOUGH nothing decisive has occurred here since my despatch of yesterday's date, I think it right to detain the messenger no longer.

A camp has been formed within the lines, in the position abandoned by the Imperial troops, to be occupied by a corps mobile of the national guard which has been organized, and the command given to General Bem, a Polish officer who served with great distinction during the campaign of 1831 in Poland, and, as I am informed, commanded the Polish artillery on several occasions. Many other Polish officers have also arrived here to offer their services and advice; and I have reason to believe that one of them who had served in Algiers expressed the opinion that the city and suburbs might be defended, even if attacked by considerable forces, but that all the national guards and armed people would not be able to withstand 5,000 regular troops in the open field. It is, however, certain, that for several days the people have been exhorted in every way to act strictly on the defensive alone. One of the most striking features in the present state of affairs here, is the prominent part which the Poles play. As I have above mentioned, the defence of the city is chiefly under their direction, whilst in the Diet its President is a Pole; and the Representatives of Galicia, in the absence of most of the Bohemian Deputies, constitute the majority. I have heard that one of those Deputies, who belongs to a family which has always been remarkable for its Polish sympathies, returned here a few days ago, and has blamed the conduct of his countrymen in associating themselves with the Magyar cause in

opposition to the Slavonic. He added, that he looked on such conduct as a political suicide, in which he would take no part, and that he purposed leaving Vienna.

A deputation, with Robert Blum at their head, has arrived here, to present to the Reichstag and the inhabitants of Vienna, in the name of the small minority of the extreme Left of the Frankfort Assembly, the address which they had proposed to that Assembly, and which had been rejected by a very great majority.

An address to the Emperor was voted yesterday by the Reichstag, of which I have the honour to inclose a copy in translation.

Since writing the above, the reporter of the permanent committee of the Reichstag, M. Schuselka, has made to that Assembly his daily report. He informed them, that the Hungarian army had retired into Hungary. He added, that he did not know what had decided that movement, but that it had been officially announced here by the Hungarian Under Secretary for Foreign Affairs, who had added the advice, to endeavour to arrange their quarrel through the mediation of the Archduke John.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—*Extract from the Speech of M. Schuselka, Oct. 17, 1848.*
(Translation.)

I PROPOSE to the honourable Diet, that the following address may be immediately sent to His Majesty :

“That the tranquillity of the town requires no re-establishment, for its existence is only threatened by the concentration of the masses of troops. The Diet therefore demands the withdrawal of the troops in Lower Austria; the reduction of the garrison at Vienna to its minimum; that the army should swear to the Constitution; and finally, that a popular Ministry should be formed.”

No. 61.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. Oct. 28.)
MY LORD, Vienna, October 19, 1848.

THE town still continues to be perfectly quiet, though there exists considerable irritation in the minds of the students, in consequence of the retreat of the Hungarian army.

The most contradictory rumours are in circulation as to the strength and position of the Hungarian army. It is said to be quartered close to the frontier, not far from Bruck, and to be 40,000 strong. But these are mere rumours.

I am informed that Prince Windischgrätz, who the day before yesterday was still at Olmütz, is named Generalissimo of the Imperial troops in this neighbourhood; and that Prince Felix Schwarzenberg is to be Minister at War; but neither of these appointments have been officially communicated to me, and I report them to your Lord-

ship as the *on dit* of the town. The project of the addresses from the Reichstag to the Emperor and to the Austrian nation were read this morning to that Assembly, referred to a Committee, and are to be again discussed this evening. A manifesto from the Emperor, which it is known is to be soon promulgated, is awaited with great impatience.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 62.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. Nov. 3.)
(Extract.) *Hietzing, October 28, 1848.*

ON the evening of the 26th, the Prater, and the railway station situated at one extremity of it, were occupied by the Croatian troops under the orders of the Banus Baron Jellachich; this movement was opposed by the party in revolt within the city, and the Croatian troops fired on, in consequence of which they threw shells into the faubourg between the Landstrasse and the Leopoldstadt, and very considerable fires were visible in that quarter from thence during the whole night. No regular attack was contemplated by Prince Windischgrätz; and as the newspapers of Vienna themselves acknowledge, the aggression, not only at the points I have just alluded to, but also on this side of the city, came from the town.

Nearly 100 prisoners, chiefly workmen, were yesterday brought to the head-quarters at Hetzensdorf. They generally excused their conduct, either by denying that they had actually fired, or by alleging that they were compelled by force or necessity to enter into the guard mobile. I may observe, that there exists a system of terrorism within the city, which compels every one excepting Members of the Diet, of the Town Council, or strangers who produce cards of exemption, to take arms; and that system has been carried so far, that armed bodies visit the cafés, even those in the principal streets, seeking for forced recruits, and that the day before yesterday shots were fired in one in the Kohlmarkt. It is said in this latter case the quarrel arose in consequence of an attempt made to compel 2 Frenchmen who were present to take up arms.

The whole of yesterday passed without any renewal of hostilities on either side, and in this neighbourhood the military were withdrawn from the range of the cannon on the lines. The investment has in no respect been relaxed, and the suburbs immediately before the gate of the lines are occupied by military, and such of the inhabitants as have not retreated within the lines are disarmed.

It is said that Prince Windischgrätz intends to make a general attack this day, and this report appears to be justified by the heavy fire of artillery which has been carried on for some time, and which continues at the moment at which I write, 11 o'clock A.M.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 63.—*Viscount Ponsonby to Viscount Palmerston.*—(*Rec. Nov. 3.*)
 MY LORD, *Hietzing, October 28, 1848, half-past 12 P.M.*

THE firing, which appeared to have ceased for a short time, is now going on vigorously. There was a report this morning that the Hungarian army had come up, but I hear nothing more of them.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 64.—*Viscount Ponsonby to Viscount Palmerston.*—(*Rec. Nov. 4.*)
 MY LORD, *Hietzing, October 29, 1848.*

THE attack upon the city which I mentioned in my despatch of yesterday, commenced at about 10 o'clock A.M., and continued almost without interruption till nearly midnight. It is said, that Prince Windischgrätz's plan was at first merely to occupy the exterior lines of the faubourgs, but the division of the Croatian army under the command of General Hartlieb, to whom was entrusted the attack on the Leopoldstadt, pushed its success so far as to occupy the faubourg of the Landstrasse, and the strong position of the new Custom House, flanked on two sides by the stream of the Wien and the Danube Canal, and opposite to the glacis. The barricades were carried with slight difficulty, and the national guards, as I am informed, threw away their arms and fled. Baron Jellachich is reported to have addressed the people from an inn in the Landstrasse, where he supped, and to have been loudly cheered. Severe fighting took place at the Southern Railway station, which was only carried after heavy loss on the side of the Polish Regiment of Nassau, and the destruction of the engine manufactory and several locomotives.

Cannon-shot, grenades, and congreve-rockets were thrown into the Wienden faubourg, and at a late hour several shells. Very extensive fires were visible there from the high grounds in the park all night. Indeed as many as 6 fires in various points of the faubourgs were to be seen. The rockets are said to have produced very great effect. The contest was chiefly carried on by the students and lowest class of workmen; and the former are said to have prudently laid aside their distinctive uniform.

The report of the arrival of the Hungarian army appears to be still doubtful. Indeed I learn that there were only 8,000 men on the frontier at Bruck, and that half of that number were only armed with scythes. A steam-boat, which was bringing students to Vienna from Presburg and Pesth, was fired on and sunk by the Croats in the neighbourhood of the Prater. Report says, that 600 persons were on board. A second steam-boat, with a raft in tow, made its retreat on seeing the reception which the first had met with.

A deputation has proceeded to Prince Windischgrätz's headquarters this morning, probably to propose terms of surrender; and

if I can learn the result I will add it in a postscript. It would however appear impossible to continue much longer the defence of the city.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 65.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 4.)

MY LORD,

Hietzing, October 29, 1848.

THE suburbs of Vienna were attacked yesterday on all sides, and carried by storm, the artillery opening the way for the troops. The resistance was very great, and the troops behaved with the most brilliant valour and devotion. The Italian grenadiers in particular distinguished themselves. The city has not yet been attacked, but all the commanding positions around it are in possession of the troops. The Belvidere, the terminus of the Baden Railroad, and the Schwarzenberg Gardens, were stormed, and the Leopoldstadt and the Landstrasse. The Wieden suburbs are occupied and in possession of the troops. There has been very considerable loss on both sides, but much less on that of the troops. The people in Vienna have desired to have permission to send a deputation to Prince Windischgrätz, and it is expected to come. The Prince has resolved to leave this day to the Viennese for reflection, in the hope that further bloodshed may be spared; but if they do not submit, he will attack the city to-morrow.

The Prince says, the Hungarians are advancing, and that he intends to attack them at once this day, and that he will give battle with confidence of success. The Prince said, that his position yesterday was a very difficult one, for half of his troops were employed all day in guarding against the Hungarians, to prevent his being exposed to attacks from 2 points by their approach.

The following is from the conversation of general officers and others this morning at head-quarters. The troops fought with exasperation. The troops under the Banus distinguished themselves highly. The chief of his (the Banus) staff, General Zeiber, at the head of his troops, stormed 10 barricades. The Red Caps, a body of 1,200 of the Frontier Guards, cut off the heads of at least 50 students who fell into their hands. Those of the people who were seen firing from the house-windows were put to the sword. Many prisoners were made of the national guards and workmen, who threw down their arms.

Very few shells were thrown, and the artillery was used to clear the passage for the troops in the streets of the suburbs.

The army is enthusiastic for their chief and in their cause.

As the troops obtained possession of the suburbs, numbers of men, women, and children came out of their houses to offer wine and food to the soldiers. They had been, it would seem, kept under the rule of terror by the workmen and democrats.

The Prince is gone to meet the Hungarians, who will probably advance to Himberg, Lanzensdorf, Achau, and perhaps Schwechat. The country is hilly, and said to offer strong positions.

The Prince says, that if the Hungarians are defeated, the Austrian Monarchy is safe, and the Armies of Italy and Vienna will salute each other.

I am not authorized to judge of military matters, but I must express my opinion that Prince Windischgrätz will be successful against the Hungarians. His ability, his courage, and his generous spirit, attach his soldiers to him with enthusiasm, and his humanity entitles him to the gratitude and respect of those whose views he opposes.

I will do myself the honour to write to-morrow to your Lordship.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 66.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 6.)
 MY LORD, *Hietzing, October 30, 1848.*

I HAVE the honour to inform you that the city of Vienna submitted last night to the conditions laid down by Prince Windischgrätz.

I have not as yet received official communication of the above-mentioned intelligence, which, however, I have no doubt is correct, nor have I as yet—the intercourse with the city being still interrupted—obtained printed copies of the proclamations issued upon this subject by the Town Council. I, however, inclose copies of these 2 proclamations, which are circulated here in manuscript;—the one addressed to workpeople who are in arms, and poorer national guards, promising them the same pay which they at present receive, until by the re-establishment of order they may be able to earn their livelihood; the other addressed to the citizens, informing them that a deputation had proceeded to make their submission to Prince Windischgrätz. This latter address is somewhat imperfect, but the sense of it may be perfectly collected.

It is reported that General Bem, with some others, who see no safety in submission, intend to defend themselves in faubourgs of Lerchenfeld and Gumpendorf. Whether this be true or not, there can now be no doubt of the issue.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Proclamations of the Town Council of Vienna.
 (Translation.) *Vienna, October 29, 1848.*

ALL such workmen who are enrolled in armed corps or in the Garde Mobile, and have hitherto received fixed pay from the commune, as well as those national guards who are without the means of support, who likewise are supported by the commune, are to receive

from the day on which their arms shall be delivered up to a Commission hereafter to be named, the pay which they have hitherto received, till the present disorganized state of business shall be sufficiently re-established to enable them to obtain an independent livelihood.

FELLOW CITIZENS,

Vienna, October 29, 1848.

THE Commander-in-chief having just brought the intelligence to the Town Council that * * *, as well as that the Academic Legion has resolved to lay down its arms, and to submit to the conditions laid down by Prince Windischgrätz, a deputation composed of members of the Town Council and of the united armed people, is gone to the Prince to make the necessary communications to him.

No. 67.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 7.)

MY LORD,

Hietzing, October 31, 1848.

THE Hungarian army, which I had the honour to inform your Lordship in my despatch of the 29th instant, was advancing to the relief of the insurgents at Vienna, was attacked yesterday morning by Prince Windischgrätz, in the neighbourhood of Schwechat, the first post from Vienna on the road to Presburg. The reports at head-quarters estimated this army at about 25,000 men. His Highness advanced from Inzersdorf, while a division of Baron Jellachich's corps d'armée moved by the Danube to meet the Hungarians on the opposite side, with the intention, by this combined movement of attacking them on two sides and cutting off their retreat. The Hungarians, however, declined the proffered combat, and in retreating exchanged some discharges of artillery with the Imperial troops. 2 divisions of infantry and one of cavalry, commanded by Prince Francis Lichtenstein, are pursuing them.

It appears that the insurgents within the city were apprized by signals of the advance of the Hungarians, and at the very moment that a deputation of the Town Council (Gemeinde Rath) was at the head-quarters at Hetzensdorf, arranging with General Gordon, who had been named on the side of Prince Windischgrätz, the details of the capitulation which I had the honour to inform your Lordship in my despatch of the 30th instant had been agreed upon, they recommenced hostilities from the Mariahilf and Lerchenfeld lines.

Prince Windischgrätz was in consequence obliged to order an attack on that side by the Division Furstenberg, which occupied the plain without those lines, and a heavy cannonade was kept up there the whole of yesterday afternoon till late at night. Rockets and signal fires were also sent up from the steeple of St. Stephen's, the

insurgents being probably ignorant of the defeat of their expected allies. The firing has been renewed this morning.

Since writing the above I have received Prince Windischgrätz's proclamation, announcing his victory over the Hungarians, which I have the honour to inclose in translation. I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Proclamation of Prince Windischgrätz.

A CORPS of the Hungarian insurgents has dared to enter on the Austrian territory, and this morning to advance towards Schwechat.

I have attacked it with a part of my army, combined with that of the Banus, and repulsed it with considerable loss. Some divisions are occupied in their pursuit.

This announcement is made, to reassure all well-intentioned persons who may feel apprehensions from the appearance of this corps; it is also meant as a warning for those ill-intentioned who in this thought they found new hopes for their plans, and who in fact were not ashamed treacherously to break the capitulation which had been agreed to.

PRINCE WINDISCHGRATZ.

No. 68.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 7.)
 MY LORD, *Hietzing, November 1, 1848.*

I HAD the honour to report to your Lordship in my despatch of yesterday, that Prince Windischgrätz had been obliged to order a regular attack on the Mariahilf lines and faubourgs, in consequence of the resistance persisted in by the insurgents in Vienna, founded on the hopes of relief from the advance of the Hungarian army, notwithstanding their previous submission to his Highness's conditions, which had been agreed to by the Town Council, and which had been published on the morning of the 30th ultimo. That quarter of the city was soon occupied, and white flags were in the afternoon of yesterday hung out from the steeples of the various churches there. The same emblems of submission were also displayed from the walls and gates of the bastion; but, notwithstanding, the Imperial troops were treacherously fired on with grape-shot when advancing on the glacis which separates the town from its faubourgs. I may add, that the bad faith of the insurgents or of their leaders has been most apparent of late. The commander of the national guards, M. Messenhauser, published an order of the day when it was known that the Hungarians were advancing, calling upon every one to renew hostilities, although on the preceding night he had been present at the sitting of the Town Council, and in his capacity of commander of the national guards had admitted that they were short of ammunition,

and that a more prolonged resistance was impossible. The attack made upon his troops compelled Prince Windischgrätz to have recourse to extreme measures against the city; and yesterday afternoon a heavy fire of cannon, accompanied by shells and congreve rockets, was directed from the glacis towards the university. About the same time a large fire in the city was visible from hence, which unfortunately proves to have been the Augustines' church and the Imperial library, which adjoin the Palace of the Burg. It was supposed here to have been the work of incendiaries; but I learn from one of my servants, who has just come out here from the city, that it was caused by a shell directed against the insurgents, who were firing from the bastions on the troops advancing on the glacis. The same person reports to me that 2 chimneys of the Embassy were knocked down by a shell, and that it was only by the advance of the troops that the insurgents were prevented from entering my house to fire from its windows. I learn from him also, that the Burg is occupied by the troops, and I believe the rest of the city, with perhaps the exception of the university. Should the students or the foreigners in Vienna make any further resistance, I anticipate a dreadful carnage of them, as the exasperation of the troops at the numerous instances of treachery is very great.

About 5,000 or 6,000 stand of arms and 3 pieces of cannon were delivered up at Schönbrunn yesterday afternoon; and I hear that the surrender of arms is going on at various points within the city.

I think the armed revolt may now be looked upon as overcome; but I fear it has occasioned considerable loss of life and a still greater destruction of property.

The Hungarian army, pursued by the divisions I mentioned, is no longer upon Austrian soil, but I cannot add whether the pursuit is to be continued.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 69.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 9.)

MY LORD,

Hietzing, November 3, 1848.

I HAVE the honour to inclose, for your Lordship's information, a copy in translation of the proclamation of Prince Windischgrätz, dated the 1st of November, regulating the application of martial law, which his Highness had already announced in his proclamation of the 23rd of October.

I likewise transmit a copy in translation of a connected narrative of events since his Highness's arrival here on the 23rd ultimo, published, as that narrative states at the commencement, in order that "all friends of truth" may be guarded against "wilful misrepresentations and falsifications of facts, which are at present so much the order of the day." It is satisfactory to me to find that the

various reports which I have had the honour to forward to your Lordship on this subject are entirely confirmed by this official statement, of the correctness of which no doubt can be felt.

It has been fully ascertained that the fire which consumed the roof of the Augustine church and a part of that of the Imperial library, was caused by a shell fired from the bastion by the insurgents, with the intention of setting fire to the Burg ; it however fortunately fell short of the palace, and the damage has been, I am happy to add, confined to the roof of the above-mentioned buildings. Several prisoners, and amongst them some deserters, have been brought into head-quarters. The spirit and the discipline of the Imperial troops are all that can be desired.

The same severity respecting ingress and egress from the town is observed ; a measure necessary to apprehend the various leaders of the late insurrection who are known to be concealed there.

The Reichstag, which was about to assemble on the 1st, was closed by order of Prince Felix Schwarzenberg, who added that its sittings were suspended in virtue of the Imperial order convoking them to meet on the 15th at Kremsier.

The Hungarian army has been driven over the frontier, and a large body of Imperial troops is still stationed there to watch their movements. Another division of that army is stated to have been defeated by General Simunich, with a portion of the army of Galicia, at Friestadl on the Waag.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—*Proclamation of Prince Windischgrätz.*

(Translation.) *Head Quarters, Hetzendorf, November 1, 1848.*

HAVING caused the imperial and royal troops under my command to enter the capital of Vienna, I may deem it my duty, in connection with my Proclamation of the 23rd October, to make generally known those measures, the execution of which I feel to be indispensably necessary for the re-establishment of public order, which has been shaken to its basis.

The capital had indeed signified its submission on the 30th ultimo ; but the conditions which had in consequence been agreed upon were nevertheless again broken with the most barefaced treachery. I issue, therefore, the following orders without regard to that act :

1. The city of Vienna, its faubourgs and environs within the circle of 2 miles, are declared in a state of siege ; that is, all local authorities during the duration of the same are, according to the regulation of section 9, placed under the military authorities.

2. The Academic Legion and National Guard are dissolved, the latter, however, with the reservation of its re-organization.

3. The general disarmament, if not already fully carried out, is at the expiration of 48 hours after the publication of the present proclamation, to be accomplished by the Town Council. On the expiration of this delay, the second and last demand for the delivering up of arms will be issued; and 12 hours after the posting up of the same a search for arms in the houses will be made; and then all the possessors of arms of any kind will be subject to martial law.

The exceptions to this disarming are, the town and military police and the preventive service, who remain in their present functions, and such public servants who in virtue of their calling wear side-arms with their uniform. Arms which are private property will be put apart with the owner's name on them.

4. All political clubs are closed; all assemblages in the streets of more than 10 persons are forbidden; all hotels and coffee-houses in the inner city to be shut at 11 o'clock, and those in the faubourgs, &c. at 10. The transgressors of this regulation to be arrested and tried by court-martial.

5. The press is provisionally suppressed, in conformity with the order contained in section 4 of the Proclamation of October 23, and the printing, sale, and posting up of placards, prints, and pamphlets only permitted when sanctioned by the military authorities. The same treatment awaits the transgressors of this which is laid down in the previous section.

6. In conformity with the regulation laid down in section 5 of the Proclamation of October 23, all foreigners who cannot produce a legal justification of the reasons of their sojourn, are to be sent away; and all natives who are similarly circumstanced will be treated in the same way. The city police is charged with the execution of this measure, which is to be effected by every householder furnishing a nominal return of his lodgers, pointing out such as belong to the above category. Such householders as omit to report any one of their lodgers, or who fail within a time stated by the police to mention new lodgers, will be arrested and brought before a military tribunal.

7. Whosoever shall be convicted of:

a. Having endeavoured to seduce the Imperial troops from their fidelity;

b. Having by word or deed excited to revolt, or taken part by his acts in consequence of such an appeal;

c. Whosoever at any assemblage does not retire upon the first summons of the public authorities;

d. Whosoever at any tumultuous meeting is taken with arms in his hands, is subject to martial law.

8. All traces of the barricades in the town and the faubourgs are to be immediately removed, and the pavement replaced by the Town Council.

9. During the state of siege, all public authorities remain in the undisturbed exercise of their functions; however, the military authorities have undertaken during this period, the administration of all that is required for the maintenance of order, tranquillity, and safety in the capital and its environs. The Town Council and police, which up to the present time have conducted such affairs, are only to co-operate in such a manner as the military authorities deem expedient.

10. In order to attain the purpose of a state of siege which can be no other than to prepare the passage from anarchy to a well-regulated constitutional state, a mixed central commission, under the presidency of Major-General Gordon, whom I also name military commander of the city, will be formed, and is charged with the supreme direction of such affairs as are consequent upon a state of siege, as well as those of the government of Lower Austria and of the city police.

(*Inclosure 2.*)—*Narrative of Events from October 23 to October 31.*
(Translation.) *Head Quarters, Hetzendorf, November 1, 1848.*

WILFUL misrepresentations and falsifications of facts are at present so much the order of the day, that all friends of truth will be glad to receive the following faithful narrative of the course of events during the taking of the city of Vienna by the Imperial troops.

On the evening of Monday the 23rd of October, His Highness Field-Marshal Prince Windischgrätz, invested with extraordinary full powers, arrived at Hetzendorf near Vienna. His Highness published a summons to the population of the city, to surrender their arms and submit unconditionally to the Imperial commands; in case of refusal, the town would be compelled by force of arms to submit. The town was given 24 hours for the publication of the conditions imposed, and 48 hours more for their being carried out, viz., till the evening of Thursday the 26th of October. Although this period passed by without compliance, but even on the 26th, during the completion of the investment of the outer environs of the city, the Imperial troops were fired upon without provocation, His Highness the Field-Marshal still allowed the 27th of October to pass over without having recourse to measures of force. Some deputations from the city, which endeavoured to negotiate with the Prince respecting the conditions imposed by him, and to obtain some concessions, failed in their object.

Although, in the meantime, intelligence had been received of the advance of the Hungarian army to the assistance of the Viennese rebels, which compelled the Prince to detach part of his forces against it, the attack was, nevertheless, undertaken on the 28th of October

with the remainder of the troops, which had already been destined to act against the city.

Whilst all the approaches to the town were busily occupied with a fire of artillery, it was the intention of the Field-Marshal only to take the suburbs of the Landstrasse and Leopoldstadt on that day. This task was by the evening so fully accomplished, the outer gates of the lines and several barricades having been stormed, and 4 pieces of cannon taken, in spite of a desperate resistance on the part of the insurgents, by the troops, which were pushed forward with equal daring and prudence, that, before night, the troops had gained the glacis in front of the inner town, and the canal of the Danube which separates the town from the Leopoldstadt, and occupied and maintained possession of the Invalid-house, the Mint, the new chief Custom-House, the Haymarket Barracks, and the Summer Palace of Prince Schwarzenberg.

The troops were received in all directions with joy by the peaceable inhabitants of these suburbs, as their preservers and liberators from the terrorism of the anarchical party and their tools, the armed prolétaires.

His Highness the Field-Marshal conceived the hope that the town, after this experience, must have been convinced of the superiority of a well-disciplined force over much more numerous bands of insurgents, and therefore reckoned upon its speedy surrender, and allowed the 29th of October to pass over quietly without having recourse to further measures of force, to give the city time to come to its senses. There actually came on the night of the 29th to the 30th of October a deputation from the city of the Town Council, with the written declaration that they submitted unconditionally, and accepted the state of siege imposed, in accordance with which the city and its suburbs were to be occupied by the troops on the 30th.

A commission was consequently appointed, which was to settle the more minute details respecting the execution of these measures. In the meantime the news of the advance of the Hungarian rebels was confirmed on the morning of the 29th, and the Field-Marshal was obliged to turn his steps against them. He found the enemy in a favourable position behind the Schwechat, 2 miles (9 English) from Vienna, attacked them immediately with the corps of the Banus of Croatia in conjunction with the numerous cavalry of the 3rd corps, drove them back on the same day beyond the Fischa, and caused them to be pursued on the 31st up to the frontier of Hungary.

The Viennese rebels, having observed the approach of their Hungarian allies from the top of the steeple of St. Stephen's, allowed themselves to conceive new hopes, and they treacherously violated the capitulation which had been agreed on. The Commander-in-chief

of the national guard, Messenhauser, issued from his lofty observatory 2 proclamations, in which he declared that the Imperial troops were beaten by the Hungarians, and called upon the people to take up arms again.

Hostilities were accordingly recommenced on the part of the town at the very moment at which the capitulation already agreed upon was to be carried into execution.

It was necessary to punish this breach of faith by the renewal of the bombardment against some of the suburbs, already notorious for their hostile dispositions, and this was continued till the evening of the 30th of October.

The town upon this for the second time tendered its submission, which was to be verified on the 31st of October. But early in the morning of that day, deputies from the Town Council made their appearance, and declared that the majority of the citizens, indeed, had the best possible desire to comply with all the conditions of the Field-Marshal, but that against the violence of the democratic clubs, of the Students' Committee, and of their tools, the armed prolétaires, which had so increased as to establish a reign of terror, they were much too powerless to give their desires any effect, and that they accordingly must themselves implore the protection of the Field-Marshal for their persons and property, since the mob had the intention of setting fire to the town and burying themselves under its ruins.

The Field-Marshal now caused, on the afternoon of the 31st, more troops to advance through the suburbs, which, as soon as they appeared on the glacis, were received with a heavy fire from the walls of the inner town, into which the rebels had all retired, and which was now closely surrounded. In the evening the strongly-barricaded palace gate was blown in by cannon and then stormed by 2 battalions, and 8 pieces of cannon were taken. The prolétaires had already set fire to the Imperial library, the roof of which was burnt; the remainder of this building, however, as well as the whole of the palace, was saved by the timely entrance of our troops.

The military has now occupied the whole of the town, the complete subjection of which has been effected by force of arms, after that it had rejected all milder measures with obstinacy and even with a violation of truth and faith.

No. 72.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 27.)

MY LORD,

Vienna, November 19, 1848.

M. FONTON, the Secretary to the Russian Embassy, called on me this morning, and informed me that His Imperial Majesty the Emperor of Russia had sent to Prince Windischgrätz by Baron Lieven the decoration in diamonds of the Order of St. Andrew, and

also to Baron Jellachich the Order of Wladimir, an order of merit, and seldom conferred.

The orders above mentioned will be delivered to Prince Windischgrätz and to Baron Jellachich by the Russian General, Baron Lieven, who arrived here this day.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 73.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 27.)

MY LORD,

Vienna, November 19, 1848.

I AM informed that more troops marched this day from hence for Hungary. Many Croats.

Military men say that Comorn may be easily taken in a hard frost. The Hungarian army is said to be about 20,000 strong, one half being hussars.

The Imperialists have very few light cavalry. Their army is estimated at 70,000 men or more. Their artillery is very numerous, and the guns of large calibre.

Baron Jellachich has freely declared that the Austrian Government, if victorious, will not demand from the Hungarians any severer terms than those formerly proposed, namely, the enjoyment, by all the tribes inhabiting Hungary, of equal national rights; that is, the termination of Magyar predominance; the connection of the administration of the Hungarian army with the administration of the Austrian army, so that both shall be under the authority of the Emperor; the connection of the administration of the finances of Hungary with that of the finances of the Imperial Government.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 74.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Nov. 27.)

MY LORD,

Vienna, November 20, 1848.

IN an instruction to his Excellency Sir Stratford Canning, of November 7, your Lordship says: "There are some who imagine that the advance of that force in those (the Danubian) provinces is not wholly unconnected with the events which have been passing in Hungary; and that the Emperor has contemplated the possibility of his being asked by the Austrian Government to assist in restoring order in Pesth."

With reference to the above, I venture to trouble your Lordship with a few words.

The Austrian Government, I am pretty sure, has not asked the Emperor of Russia for assistance anywhere, although the most amicable relations exist between the parties; but I have little doubt that, should the Austrians receive a severe check in Hungary, the Emperor of Russia would give the most efficient aid to the Emperor of Austria

in that country ; and also, that should there be any attempt in Galicia at insurrection, the Russians would, even without being applied to, march troops into that province to put down the insurrection there.

I will add that I think the Emperor of Russia will give the strongest support to the Austrians, should they be attacked anywhere by an enemy possessing power to put the Emperor of Austria in danger. I allude to Lombardy.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 76.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Dec. 8.)

MY LORD,

Vienna, December 3, 1848.

I HAVE the honour to forward, inclosed, an official letter from his Highness the Prince Schwarzenberg notifying the abdication of the crown by His Imperial Majesty the Emperor in favour of his nephew the Archduke Francis Joseph, the Archduke Francis Charles having on his part renounced his succession to the throne, to which, as heir presumptive, he had the right in conformity with the laws of the Imperial House.

The Act of Abdication was signed by His Imperial Majesty on the 2nd of this month in the palace of the Archbishop of Olmütz.

I had the honour to inform your Lordship of the coming of this event, and it is no surprise.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Prince Schwarzenberg to Viscount Ponsonby.

Olmütz, le 2 Décembre, 1848.

LE Soussigné, Ministre des Affaires Etrangères de l'Empereur, à l'honneur de porter à la connaissance de son Excellence Lord Ponsonby, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, que Sa Majesté l'Empereur, par acte signé aujourd'hui dans le palais de Monseigneur l'Archevêque à Olmütz, a abdiqué la couronne en faveur de son neveu, Monseigneur l'Archiduc François Joseph ; son Altesse Impériale Monseigneur l'Archiduc François Charles ayant de son côté renoncé à la succession au trône, que lui assuraient en sa qualité d'héritier presomptif de son auguste frère, les lois de la Maison Impériale. Monseigneur l'Archiduc François Joseph a été proclamé Empereur sous le nom de François Joseph Premier.

Le Soussigné, &c.

S.E. Le Vicomte Ponsonby.

F. SCHWARZENBERG.

No. 77.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Dec. 11.)

MY LORD,

Vienna, December 6, 1848.

BARON JELLACHICH has been appointed Governor of Dalmatia and Fiume, and his most intimate friend, Baron Kulmer, made a member of the Cabinet, but without a portfolio.

Kossuth sent a letter, countersigned Pulszky, to be made known to Prince Windischgrätz by Mr. Stiles, the American Chargé d'Affaires, for the purpose of commencing a negotiation for peace. Mr. Stiles communicated this letter to the Prince. The Prince said he could not imagine terms of peace which would not be too personally disagreeable to be accepted by M. Kossuth. It is said, that this reply indicated an intention to make M. Kossuth responsible in his own person for what he has done.

It is reported, that M. Kossuth and M. Pulszky, in order to obtain the aid of Mr. Stiles, wrote to him, saying that if the Americans would mediate between Hungary and Austria, the Hungarians would mediate between America and Austria whenever any dispute should arise between those countries.

Prince Windischgrätz is likely to leave this during the present week, and to proceed into Hungary with the intention to commence active hostilities. It is imagined that Presburg may be the first object of attack. That city can be reached by artillery from this side of the Danube, and being composed in part of wooden houses, may be set on fire; but hopes, as I hear, are entertained that the town will surrender, as it is known that a large portion of the inhabitants are favourable to the Austrians.

Baron Jellachich expresses great impatience to begin the operations of war. Prince Windischgrätz is supposed to wait for the publication of a proclamation from the Emperor to the Hungarians, summoning them once more to submit, while it is yet time. The Prince has obtained the number of horses for draught, &c., which he requires, and his preparations are almost if not quite complete.

It is reported that the Emperor is expected here immediately to review the army, and that may possibly be another cause of delay.

There was this day a grand parade at Schönbrunn for the distribution of medals to the soldiers who had of late distinguished themselves; and the Prince was as usual received with the greatest enthusiasm.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

*No. 78.— * * * * to Viscount Palmerston.*

Le 11 Décembre, 1848.

LE Soussigné, Envoyé Plénipotentiaire de la Hongrie près le Pouvoir Central Germanique jusqu'au mois d'Octobre A. C., a reçu tout récemment l'ordre de son Gouvernement—dont il a l'honneur d'y joindre la copie—de se rendre en Angleterre et d'offrir au Cabinet de Sa Majesté Britannique des renseignements précis sur l'état actuel du Royaume d'Hongrie, en espérant que si son Excellence le Ministre des Affaires Etrangères en prendra connaissance, ils se pourront entamer des négociations préliminaires, propres à affermir sur le

territoire de la couronne Hongroise l'ordre, et à rétablir la paix violemment ébranlée par des menées insensées, et menacée de faire place à une révolution dont le contre-coup se fera ressentir dans un tiers de l'Europe, si le respect dû aux lois et à la foi jurée ne prévaudra pas sur les tâtonnements maladroits et les expérimentations téméraires d'une politique à la fois révolutionnaire et réactionnaire.

Le Soussigné, en ayant l'honneur de notifier son arrivée à son Excellence le Ministre des Affaires Etrangères, se flatte qu'elle voudra bien lui accorder une entrevue, pour faire communication de son mandat, qui lui a été transmis par le Président du Comité National de Défense, faisant fonction de Gouvernement Provisoire pour la Hongrie, et pour donner tous les renseignements sur les affaires Hongroises, que le Gouvernement de Sa Majesté Britannique trouvera bon à lui demander. Il se flatte—tant est juste et simple la cause qu'il sert—qu'il lui sera facile de faire jaillir la lumière de la vérité sur la question Hongroise, dénaturée pendant 9 mois par la malveillance des uns et l'ignorance des autres, et de mettre en relief le besoin urgent de traiter cette question et de la résoudre d'un point de vue Européen.

Le Soussigné croit devoir ajouter à la notification de son arrivée, que pendant l'insurrection dite Rákóczyenne, au commencement du siècle passé, la Grande Bretagne a été intermédiaire entre la Hongrie et l'Autriche; ce fait prouverait à lui-seul à toute évidence, que les relations de la couronne Hongroise avec l'Autriche ont été toujours regardées comme rentrant au cercle du droit international, comme faisant partie des questions à résoudre par la concurrence des grands Pouvoirs.

Le Soussigné, &c.

S.E. Le Vicomte Palmerston, G.C.B.

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(Inclosure.)—*M. Kossuth to* * * *

MONSIEUR,

Budapest, le 12 Novembre, 1848.

CONSIDERANT que la Hongrie, par sa situation géographique, par son étendue, et les richesses de ses produits naturels, est capable d'offrir d'avantages immenses à l'industrie Anglaise si prodigieusement développée, et que l'établissement des relations commerciales entre les 2 pays pourrait être d'une haute importance pour la Grande Bretagne même, je vous invite au nom du Gouvernement Hongrois, à appeler l'attention du Cabinet de Sa Majesté Britannique sur notre pays, et de lui offrir tous les renseignements nécessaires pour la connaissance de notre position actuelle.

Vous démontrerez d'abord, que si la Hongrie venait à retomber dans les liens qui l'unissaient à l'Autriche avant les événements de Mars, l'industrie et le commerce Anglais resteraient à tout jamais exclus des marchés de la Hongrie, que l'Autriche continuerait à monopoliser.

Vous tâcherez de donner au Gouvernement de Sa Majesté Britannique une juste idée du développement des événements politiques dont notre patrie est devenue le théâtre.

Vous démontrerez à cet effet combien nous étions portés à faire à la dynastie Autrichienne toutes les concessions tant soit peu compatibles avec le salut de notre patrie, au préjudice même de notre bon droit fondé dans nos lois, qui garantissent l'indépendance de la Hongrie, et quoique poussés aux extrémités, nous nous sommes bien gardés de nous écarter du terrain légal soutenu par tant de serments des Rois.

Vous exposerez toutes les atrocités que nous avons à subir de la part de la Cour Autrichienne, malgré notre procédé parfaitement loyal.

Si pourtant la grande nation, appréciant ses propres intérêts, se sentait portée à protéger une cause aussi juste que la nôtre, vous êtes autorisé d'entamer au nom du Gouvernement Hongrois, des négociations préliminaires avec le Gouvernement de Sa Majesté Britannique. Toutefois ces négociations ne seraient définitivement conclues que par un Traité à faire avec un Envoyé du Gouvernement Britannique pour la Hongrie.

Pour la base statistique de ces négociations vous n'avez qu'à recourir aux tables de commerce officiellement publiées par le Bureau Statistique de l'Autriche : ces tables dissoudront tout ombrage d'une exagération de notre part.

Assurez le Cabinet de Sa Majesté de notre plus parfaite considération, et mettez dans l'accomplissement de votre tâche tout le zèle que nous sommes habitués à trouver en vous.

Le Président du Comité National de Défense,

LOUIS KOSSUTH.

*No. 79.—Lord Eddisbury to * * **

SIR,

Foreign Office, December 13, 1848.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 11th instant, and in reply I am to say, that Viscount Palmerston is sorry he cannot receive you. The British Government has no knowledge of Hungary except as one of the component parts of the Austrian Empire ; and any communication which you have to make to Her Majesty's Government in regard to the commercial intercourse between Great Britain and Hungary should therefore be made through Baron Koller, the Representative of the Emperor of Austria at this Court.

I am, &c.

EDDISBURY.

No. 80.— * * * to Viscount Palmerston.

MILORD,

Le 15 Décembre, 1848.

J'AI reçu la lettre dont votre Seigneurie m'honora le 13 du mois courant.

Il m'était douloureux de voir que son Excellence le Ministre des Affaires Etrangères croit de ne pouvoir pas m'accorder l'entrevue dont je faisais mention dans ma note du 11.

Je ne le cacherai pas que la raison que son Excellence en donne : "The British Government has no knowledge of Hungary except as one of the component parts of the Austrian Empire," m'avait affligé profondément.

Je croyais la thèse reconnue partout, que la Hongrie ne faisait jamais partie de l'Empire d'Autriche. Je le répète : jamais. Pas même avant le mois de Mars année courante.

L'Article 10 de la Diète de 1790-1, qui porte pour titre : "De independentia Regni Hungariæ," &c., dit clairement, "... Sua quoque Majestas Sacratissima benigne agnoscere dignata est: quod licet successio sexus fœminei augustæ Domus Austriacæ per Articulos 1 & 2, 1723, in Regno Hungariæ partibusque eidem adnexis stabilita eundem quem in reliquis regnis juxta stabilitum successionis ordinem inseparabiliter ac indivisibiliter possidendis, Principem concernat: Hungaria nihilominus cum partibus adnexis sit regnum liberum et relate ad totam legalem regiminis formam, huc intellectis quibusvis dicasteriis suis, independens, id est: nulli alteri regno aut populo obnoxium, sed propriam habens consistentiam et constitutionem. . . ." Etre indépendant, avoir sa propre consistance, cela exclue la possibilité de faire partie d'un autre organisme. La couronne d'Hongrie pouvait et peut reposer sur la même tête avec la couronne d'Autriche, sans que la Hongrie fasse partie de l'Empire Autrichien.

Il est de toute impossibilité, Milord, pour l'Envoyé du Gouvernement Hongrois de choisir, pour l'organe de ses communications à faire au Cabinet de Sa Majesté Britannique, M. le Baron Koller, dont les pouvoirs relèvent d'un Ministère qui est en guerre ouverte avec la Hongrie, et qui, en conseillant à Sa Majesté l'Empereur d'Autriche d'écraser la Constitution Hongroise, rêve l'usurpation et la conquête.

Mais il y a des pays qu'on ne conquiert pas; la Hongrie en est de ce nombre. Et le Gouvernement de cette Hongrie se flatta que la Grande Bretagne voudra bien recevoir les renseignements à lui offerts sur l'état actuel des pays appartenant à la couronne Hongroise; que la Grande Bretagne, en voyant que sur tout le territoire dit Autrichien c'est la Hongrie seule qui est restée en-dehors du tourbillon ultra-démocratique; et voyant de près les ressources immenses du royaume, en tirera la conséquence, que la Hongrie est toute qualifiée de servir de noyau autour duquel se groupent et se grouperont encore davantage des provinces, capables à composer un organisme politique assez

grand, assez étendu, pour donner des garanties à l'ordre, à la liberté sage et bienfaisante; le Gouvernement de la Hongrie aimait à croire que la Grande Bretagne dans l'intérêt Européen et le sien propre, lui tendra une main bienveillante et ferme, une main qui lui portera aide à l'accomplissement de cette œuvre.

Il ne paraît, Milord, que la question de mon accueil officiel pourrait être ajournée, jusqu'après avoir donné des renseignements sur l'état actuel de la Hongrie, qui pourront servir de mesure aux pas ultérieurs à faire par le Gouvernement de Sa Majesté Britannique à l'égard de la Hongrie. C'est avec cet espoir que j'ai l'honneur de notifier à votre Seigneurie que je resterai encore quelque temps à Londres, étant, &c.

S.E. Le Vicomte Palmerston, G.C.B.

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*No. 82.—Lord Eddisbury to * * **

SIR,

Foreign Office, December 19, 1848.

IN reply to your letter of the 15th instant, I am directed by Viscount Palmerston to say that Her Majesty's Government can take no cognizance of those internal questions between Hungary and the Austrian dominions to which your letter refers; but that the British Government has no diplomatic relations with Hungary except as a component part of the Austrian Empire, and can receive communications respecting Hungary only through the diplomatic organ of the Emperor of Austria at this Court.

I am, &c.

EDDISBURY.

LOI de la République d'Haïti, modifiant la Constitution du 14 Novembre, 1846.—Port-au-Prince, le 14 Décembre, 1848.

ATTENDU que l'expérience fait sentir les inconvénients des dispositions des Articles XV, LXXI, LXXII, CIV, CIX, CXV, CXIX, CXXIV, CXXVIII, CXXX, CXXXI, CXXXIII, CXXXIV, CXXXVI, CXXXVII, CXXXVIII, CXXXIX, CLXVI, CLXVII, CLXXXII, CLXXXIV de la Constitution ;*

Vu l'Article CLXXXVI de cette Constitution et la proclamation du Président d'Haïti, du 9 Avril dernier ;

De l'avis du conseil des Secrétaires d'Etat provisoires ;

Le Président d'Haïti a proposé, et le Corps Législatif, après avoir adopté l'urgence proposée par les organes du pouvoir-exécutif,

A admis la révision des susdits Articles, comme suit :

ART. XV. L'exercice des droits politiques est suspendu :

1°. Par l'état de banqueroutier simple ou frauduleux ;

2°. Par l'état d'interdiction judiciaire, d'accusation ou de contumace ;

3°. Par suite de condamnation judiciaire, emportant la suspension des droits civils ;

4°. Par suite d'un jugement constatant le refus du service de la garde nationale.

La suspension cesse avec les causes qui y ont donné lieu.

LXXI. Les fonctions de sénateur sont incompatibles avec toutes autres fonctions publiques, excepté celles de Secrétaire-Général, de Secrétaire d'Etat, de Grand-Juge, et celles d'agents de la République à l'étranger.

Néanmoins, un militaire peut être nommé sénateur : s'il accepte la charge, il cesse d'exercer toutes fonctions militaires, et doit opter entre l'indemnité de sénateur et celle de son grade.

LXXII. Tout sénateur qui accepte, durant son mandat, la fonction de Secrétaire-Général, de Grand-Juge, et de Secrétaire d'Etat cesse dès lors de faire partie du Sénat, à moins que, présenté de nouveau comme candidat par le pouvoir exécutif, il ne soit réélu par la Chambre des Représentants.

CIV. Les Chambres correspondent également avec le Secrétaire-Général, le Grand-Juge, et le Secrétaire d'Etat, et entre elles dans les cas prévus par la Constitution.

CIX. Nul ne peut présenter en personne des pétitions aux Chambres.

Chaque Chambre a le droit de renvoyer au Secrétaire-Général, au Grand-Juge, et au Secrétaire d'Etat les pétitions qui lui sont adressées. Ces grands fonctionnaires peuvent être invités à donner des explications sur leur contenu, si la Chambre le juge convenable, à moins que, s'agissant de la politique du Gouvernement, ces grands fonctionnaires ne jugent ces explications données, même en comité général, compromettantes pour l'intérêt de l'Etat.

CXV. Le Sénat se forme en haute-cour de justice pour juger les accusations admises soit contre les membres du corps législatif, soit contre le Secrétaire-Général, le Grand-Juge, le Secrétaire d'Etat, et tous autres grands fonctionnaires publics.

La forme de procéder pardevant la haute-cour de justice sera déterminée par une loi.

CXIX. En cas de vacance par mort, démission, ou déchéance du Président d'Haïti, le Secrétaire-Général, le Grand-Juge, et le Secrétaire d'Etat, réunis en conseil, exercent, sous leur responsabilité, le pouvoir-exécutif.

Si le Président se trouve dans l'impossibilité d'exercer ses fonctions, ces grands fonctionnaires, réunis en conseil, sont chargés de l'autorité exécutive, tant que dure l'empêchement.

CXXIV. Le Président nomme et révoque le Secrétaire-Général, le Grand-Juge, et le Secrétaire d'Etat.

Il nomme et révoque également les agents de la République près les Puissances ou Gouvernements étrangers.

CXXVIII. Le Président d'Haïti pourvoit, d'après la loi, à la sûreté extérieure et intérieure de l'Etat.

Toutes les mesures que prend le Président sont préalablement

délibérées en Conseil du Secrétaire-Général, du Grand-Juge, et du Secrétaire d'Etat.

CXXX. Aucun acte du Président ne peut avoir d'effet, s'il n'est contresigné ou par le Secrétaire-Général, ou par le Grand-Juge, ou par le Secrétaire d'Etat qui, par cela seul, s'en rend responsable.

CXXXI. A l'ouverture de chaque session, le Président, par l'organe du Secrétaire-Général, du Grand-Juge, et du Secrétaire d'Etat, présente au Sénat et à la Chambre des Représentants, la situation générale de la République, tant à l'intérieur qu'à l'extérieur.

CXXXIII. Il y a un Secrétaire-Général, un Grand-Juge, et un Secrétaire d'Etat qui sont chargés de la haute administration du pays et dont les départements sont fixés par l'arrêté portant leur nomination.

Les attributions de chaque département sont déterminées par la loi.

CXXXIV. Le Secrétaire-Général, le Grand-Juge, et le Secrétaire d'Etat se forment en Conseil, sous la présidence du Président d'Haïti, ou de l'un d'eux, délégué par le Président.

Toutes les délibérations sont consignées sur un registre et signées par les membres du Conseil.

CXXXVI. Les Chambres peuvent requérir la présence du Secrétaire-Général, du Grand-Juge, et du Secrétaire d'Etat, et les interpellier sur tous les faits de leur administration.

Ces grands fonctionnaires interpellés, sont tenus de s'expliquer, soit en séance publique, soit en comité général, à moins que, s'agissant de la politique du Gouvernement, ils ne jugent ces explications compromettantes pour l'intérêt de l'Etat.

CXXXVII. Le Secrétaire-Général, le Grand-Juge, et le Secrétaire d'Etat sont respectivement responsables, tant des actes du Président d'Haïti qu'ils contresignent, que de ceux de leur département, ainsi que de l'inexécution des lois.

En aucun cas, l'ordre verbal ou écrit du Président, reçu par ces grands fonctionnaires, ne peut les soustraire à la responsabilité.

CXXXVIII. La Chambre des Représentants a le droit d'accuser le Secrétaire-Général, le Grand-Juge, et le Secrétaire d'Etat. Si l'accusation est admise aux deux tiers des voix, ils sont traduits par-devant le Sénat qui, alors, se forme en Haute-Cour de Justice.

CXXXIX. Le Secrétaire-Général, le Grand-Juge, et le Secrétaire d'Etat jouissent, chacun, d'un traitement annuel de 5,000 gourdes.

Des frais de tournée leur seront alloués par une loi.

CLXVI. Le budget du Secrétaire-Général, du Grand-Juge, et du Secrétaire d'Etat est divisé en chapitres. Aucune somme allouée pour un chapitre ne peut être reportée au crédit d'un autre chapitre et employée à d'autres dépenses, sans une loi.

CLXVII. Chaque année, les Chambres arrêtent: 1. Le compte des recettes et dépenses de l'année ou des années précédentes avec

distinction de chaque département ; 2. Le buget général de l'Etat contenant l'aperçu des recettes et la proposition des fonds assignés pour l'année au Secrétaire-Général, au Grand-Juge, et au Secrétaire d'Etat.

Toutefois, aucune proposition, aucun amendement ne pourra être introduit à l'occasion du budget, dans le but de réduire ni d'augmenter les appointements des fonctionnaires publics et la solde des militaires, déjà fixés par des lois spéciales.

CLXXXII. Les fêtes nationales sont : celle de l'Indépendance d'Haïti, le 1er Janvier ; celle de Jean-Jacques Dessalines, le 2 Janvier ; celle d'Alexandre Pétion, le 2 Avril ; celle de l'Agriculture, le 1er Mai ; et celle de Guerrier, le 30 Juin.

Les fêtes légales sont déterminées par la loi.

CLXXXIV. Aucune place, aucune partie du territoire, ne peut être déclarée en état de siège que dans le cas de troubles civils ou dans celui d'invasion imminente ou effectuée de la part d'une force étrangère.

Cette déclaration est faite par le Président d'Haïti et doit être contresignée par le Secrétaire-Général, par le Grand-Juge, et par le Secrétaire d'Etat.

Donné à la maison nationale du Port-au-Prince, le 14 Décembre, 1848, an 45e de l'Indépendance d'Haïti.

Les Secrétaires,
PHILIPPEAUX Fils.
P. F. TOUSSAINT.

Le Président du Sénat,
N. PRE. LOUIS.

Donné à la Chambre des Représentants, au Port-au-Prince, le 15 Décembre, 1848, an 45e, de l'indépendance d'Haïti.

Les Secrétaires,
BLANCHARD.
CASEAU Fils.

Le Président de la Chambre,
FS. JN.-JOSEPH.

Au nom de la République.

Le Président d'Haïti ordonne que la loi ci-dessus du corps législatif, soit revêtue du sceau de la République, publiée et exécutée.

Donné au Palais National du Port-au-Prince, le 26 Décembre, 1848, an 45e de l'Indépendance.

Par le Président :

SOULOUQUE.

*Le Secrétaire d'Etat provisoire au Département de la
Guerre et de la Marine,*

L. DUFRENE.

*Le Secrétaire d'Etat provisoire au Département de
l'Intérieur et de l'Agriculture,*

L. VAVAL.

*Le Secrétaire d'Etat provisoire des Finances, du Com-
merce, et des Relations Extérieures,*

SALOMON Jne.

*Le Secrétaire d'Etat provisoire au Département de la
Justice, de l'Instruction Publique, et des Cultes, J. B. FRANCISQUE.*

DISCOURS du Président de la République Française, après avoir prêté serment à la Constitution.—Paris, le 20 Décembre, 1848.

CITOYENS REPRESENTANTS,

LES suffrages de la nation et le serment que je viens de prêter commandent ma conduite future. Mon devoir est tracé ; je le remplirai en homme d'honneur.

Je verrai des ennemis de la patrie dans tous ceux qui tenteraient de changer, par des voies illégales, ce que la France entière a établi.

Entre vous et moi, citoyens représentants, il ne saurait y avoir de véritables dissentiments. Nos volontés, nos désirs sont les mêmes.

Je veux, comme vous, rasseoir la société sur ses bases, affermir les institutions démocratiques et rechercher tous les moyens propres à soulager les maux de ce peuple généreux et intelligent qui vient de me donner un témoignage si éclatant de sa confiance.

La majorité que j'ai obtenue, non-seulement me pénètre de reconnaissance, mais elle donnera au Gouvernement nouveau la force morale sans laquelle il n'y a pas d'autorité.

Avec la paix et l'ordre, notre pays peut se relever, guérir ses plaies, ramener les hommes égarés et calmer les passions.

Animé de cet esprit de conciliation, j'ai appelé près de moi des hommes honnêtes, capables, et dévoués au pays, assuré que, malgré les diversités d'origine politique, ils sont d'accord pour concourir avec vous à l'application de la constitution, au perfectionnement des lois, à la gloire de la République.

La nouvelle administration, en entrant aux affaires, doit remercier celle qui la précède des efforts qu'elle a faits pour transmettre le pouvoir intact, pour maintenir la tranquillité publique.

La conduite de l'honorable général Cavaignac a été digne de la loyauté de son caractère et de ce sentiment du devoir qui est la première qualité du chef d'un Etat.

Nous avons, citoyens représentants, une grande mission à remplir, c'est de fonder une République dans l'intérêt de tous et un Gouvernement juste, ferme, qui soit animé d'un sincère amour du progrès, sans être réactionnaire ou utopiste.

Soyons les hommes du pays, non les hommes d'un parti, et, Dieu aidant, nous ferons du moins le bien, si nous ne pouvons faire de grandes choses.

MESSAGE du Président de la République présentant, aux Termes de l'Article LII de la Constitution, l'exposé de l'état général des Affaires de la République Française, adressé à l'Assemblée Nationale Législative dans la Séance du 6 Juin, 1849.

Elysée-National, le 6 Juin, 1849.

MESSIEURS LES REPRESENTANTS,

LA Constitution prescrit au Président de la République de vous présenter chaque année l'exposé de l'état général des affaires du pays.

Je me conforme à cette obligation qui me permet, en vous soumettant la vérité dans toute sa simplicité, les faits dans ce qu'ils ont d'instructif, de vous parler aussi de ma conduite passée et de mes intentions pour l'avenir.

Mon élection à la première magistrature de la République avait fait naître des espérances qui n'ont point encore pu toutes se réaliser.

Jusqu'au jour où vous vous êtes réunis dans cette enceinte, le pouvoir exécutif ne jouissait pas de la plénitude de ses prérogatives constitutionnelles. Dans une telle position, il lui était difficile d'avoir une marche bien assurée.

Néanmoins je suis resté fidèle à mon manifeste.

A quoi en effet me suis-je engagé en acceptant les suffrages de la nation ?

A défendre la société audacieusement attaquée ;

A affermir une République sage, grande, honnête ;

A protéger la famille, la religion, la propriété ;

A provoquer toutes les améliorations et toutes les économies possibles ;

A protéger la presse contre l'arbitraire et la licence ;

A diminuer les abus de la centralisation ;

A effacer les traces de nos discordes civiles ;

Enfin à adopter à l'extérieur une politique sans arrogance comme sans faiblesse.

Le temps et les circonstances ne m'ont point encore permis d'accomplir tous ces engagements, cependant des grands pas ont été faits dans cette voie.

Le premier devoir du Gouvernement était de consacrer tous ses efforts au rétablissement de la confiance qui ne pouvait être complète que sous un pouvoir définitif. Le défaut de sécurité dans le présent, de foi dans l'avenir, détruit le crédit, arrête le travail, diminue les revenus publics et privés, rend les emprunts impossibles et tarit les sources de la richesse.

Avant d'avoir ramené la confiance, on aurait beau recourir à tous

les systèmes de crédit, comme aux expédients les plus révolutionnaires, on ne serait pas renaître l'abondance là où la crainte et la défiance du lendemain ont produit la stérilité.

Notre politique étrangère elle-même ne pouvait être à la hauteur de notre puissance passée, qu'autant que nous aurions reconstitué à l'intérieur ce qui fait la force des nations : l'union des citoyens, la prospérité des finances.

Pour atteindre ce but, le Gouvernement n'a eu qu'à suivre une marche ferme et résolue, en montrant à tous, que, sans sortir de la légalité, il emploierait les moyens les plus énergiques pour rassurer la société.

Partout aussi, il s'efforça de rétablir le prestige de l'autorité, en mettant tous ses soins à appeler aux fonctions publiques les hommes qu'il jugeait les plus honnêtes et les plus capables, sans s'arrêter à leur antécédents politiques.

C'est encore afin de ne pas inquiéter les esprits, que le Gouvernement a dû ajourner le projet de rendre la liberté aux victimes de nos discordes civiles. Au seul mot d'amnistie, l'opinion publique s'est émue en sens divers : on a craint le retour de nouveaux troubles ; néanmoins, j'ai usé d'indulgence partout où elle n'a pas eu d'inconvénient.

Les prisons se sont déjà ouvertes à 1,570 transportés de Juin, et bientôt les autres seront mis en liberté sans que la société ait rien à en redouter ; quant à ceux qui, en vertu des décisions des Conseils de Guerre, subissent leurs peines aux bagnes, quelques-uns d'entre eux, pouvant être assimilés aux condamnés politiques, seront placés dans des maisons de détention.

La marche suivie avait en assez peu de temps rétabli la confiance ; les affaires avaient repris un grand essor, les caisses d'épargne se remplissaient. Depuis la fin de Janvier le produit des contributions indirectes et des douanes n'avait pas cessé de s'accroître et s'était rapproché, en Avril, des temps les plus prospères. Le Trésor avait retrouvé le crédit dont il a besoin, et la ville de Paris avait pu contracter un emprunt dont le taux avoisine le pair, négociation qui rappelait l'époque où la confiance était la mieux affermie. Les demandes en autorisation de sociétés anonymes se multipliaient, le nombre des brevets d'invention augmentait de jour en jour ; le prix des offices, le taux de toutes les valeurs qui avaient subi une dépréciation si grande, se relevait graduellement ; enfin dans toutes les villes manufacturières, le travail avait recommencé et les étrangers affluaient de nouveau à Paris : ce mouvement heureux, arrêté un moment par l'agitation électorale, reprendra son cours à l'aide de l'appui que vous prêterez au Gouvernement.

Quoique les affaires commerciales et industrielles aient repris en grande partie, l'état de nos finances est loin d'être satisfaisant.

Le poids d'engagements hasardeux contractés par le dernier Gouvernement a nécessité, durant le cours de l'année 1848, une liquidation qui a ajouté à la dette publique 56,501,800 francs de rentes nouvelles.

D'un autre côté, les dépenses extraordinaires que la révolution de Février a entraînées, ont produit un surcroît de charges qui, toute compensation faite, s'est élevé pour l'année 1848 à 265,498,428 francs, et, malgré les ressources additionnelles dues au produit de l'impôt des 45 centimes et aux emprunts négociés, l'exercice laissera un déficit de 72,160,000 francs.

L'année 1849 devait, d'après les combinaisons du budget qui s'y rapportait, laisser un découvert de 25,000,000; mais les faits n'ont pas répondu aux calculs, et des changements considérables se sont accomplis sous l'empire de circonstances imprévues. Des impôts nouveaux dont le produit est évalué à plus de 90,000,000 n'ont pas été votés; d'autre part, non-seulement l'impôt du sel a été réduit des 2 tiers, mais les revenus de la taxe des lettres sont descendus fort au-dessous du chiffre qu'on espérait trouver et le déficit prévu s'élèvera à environ 180,000,000.

Un autre fait inattendu est venu aggraver la situation. L'impôt sur les boissons dont le produit dépasse 100,000,000 demandait à être adouci et simplifié par une forme nouvelle qui le mît en harmonie avec l'esprit de nos institutions; un amendement rattaché au budget de 1849 l'a aboli à partir du 1^{er} Janvier 1850, et en a prescrit le remplacement.

Il est devenu indispensable maintenant de rétablir l'équilibre entre les dépenses et les recettes; on n'y peut parvenir qu'en réduisant les dépenses et en ouvrant de nouvelles sources de revenu.

Cet état de nos finances mérite d'être pris en sérieuse considération. Ce qui doit nous consoler néanmoins et nous encourager, c'est de constater les éléments de force et de richesse que renferme notre pays.

La garde nationale, qui s'est montrée presque partout animée du sentiment de ses devoirs, compte aujourd'hui près de 4,000,000 d'hommes dont 1,200,000 sont armés de fusils ou de mousquetons.

Elle possède 500 canons.

L'organisation de 300 bataillons de gardes nationaux mobilisables est préparée conformément au Décret du 22 Juillet dernier.

Quant à la garde mobile, engagée pour une seule année en 1848, sa réorganisation, au mois de Janvier dernier, fit descendre l'effectif de 12,000 à 6,000 hommes, ce qui a produit une économie de 7,000,000.

L'armée, toujours fidèle à l'honneur et à son devoir, a continué, par son attitude ferme et inébranlable, à contenir les mauvaises passions à l'intérieur et à donner à l'extérieur une juste idée de notre force.

Nous avons maintenant sous les armes un total de 451,000 hommes et de 93,754 chevaux.

Nous possédons 16,495 bouches à feu de toute espèce dont 13,770 en bronze, les bouches à feu de campagne sont au nombre de 5,139.

C'est aussi à notre armée que l'Algérie doit le repos dont elle jouit ; une certaine agitation s'était manifestée chez les Arabes et les Kabyles ; mais des opérations bien combinées et bien exécutées y ont promptement rétabli l'ordre et la sécurité : notre influence s'en est accrue.

Les travaux du port d'Alger et ceux qui ont pour but de créer ou d'améliorer nos voies de communication se poursuivent avec l'activité permise par les allocations budgétaires.

La colonisation privée témoigne par l'état des récoltes de cette année même qu'elle est en voie de progrès,

L'installation et le développement des colonies agricoles se continuent avec zèle et persévérance.

Notre flotte, qui protège nos colonies et fait respecter notre pavillon sur toutes les mers, se compose :

De la flotte active à voiles, comprenant 10 vaisseaux de ligne, 8 frégates, 18 corvettes, 24 bricks, 12 transports, et 24 bâtiments légers ;

De la flotte active à vapeur qui est de 14 frégates, 12 corvettes, et 34 avisos.

En dehors de la flotte active, se trouvent les bâtiments en disponibilité de rade et en commission de port. C'est une réserve prête à agir dans le plus bref délai. Cette réserve se compose de 10 vaisseaux, 15 frégates à voiles, 10 frégates à vapeur, 6 corvettes, et 6 avisos également à vapeur.

L'armement de ces bâtiments réclame le concours de 958 officiers de vaisseau de tout grade, les aspirants non compris, et un effectif de marins dont le chiffre ne s'élève pas à moins de 28,500 hommes.

Aucun trouble sérieux ne s'est manifesté au sein de la société coloniale, qui désormais repose sur la solide base de l'égalité civile et politique. Au bienfait de la liberté pour les noirs, est venu s'ajouter la compensation d'une indemnité pour les colons. Une équitable répartition sera, il faut l'espérer, un élément de paix, de travail et de prospérité.

En restant, autant qu'il sera possible, dans les prévisions du budget voté de 1849, le Gouvernement espère continuer à maintenir intact l'établissement naval et colonial, jusqu'à ce qu'il puisse en proposer l'amélioration et le développement à l'Assemblée Législative.

L'agriculture, cette source de toutes les richesses, a reçu tous les encouragements qu'il était possible de lui donner en si peu de temps.

Depuis le 20 Décembre dernier, 21 fermes-écoles ont été créées et forment, avec les 25 déjà existantes, le premier degré de l'enseignement agricole. D'autres seront établies.

Les instituts de la Saulsaie et de Grand-Jouan ont pris rang d'écoles régionales, et fonctionnent aujourd'hui comme établissements de l'Etat, d'après les prescriptions de la Loi du 3 Octobre.

L'Administration s'est fait mettre en possessions des fermes renfermées dans le petit parc de Versailles, destiné à l'institut national agronomique.

122 sociétés d'agriculture et plus de 300 comices ont pris part à la répartition des fonds votés pour l'encouragement de l'agriculture.

Par Arrêté du 25 Avril, 1849, une commission d'hommes spéciaux et dévoués s'est mise à l'étude de la question des colonies agricoles. Le désir du Gouvernement était de trouver le moyen le plus efficace de venir au secours des classes laborieuses en ramenant les ouvriers des villes aux travaux de la campagne, et, d'après l'exemple des autres pays dont les documents ont été réunis, d'utiliser, au profit des pauvres, la mise en valeur des terres incultes.

L'organisation des haras nationaux a été profondément modifiée par l'Arrêté du 11 Décembre, 1848.

L'industrie chevaline est en progrès; elle a partout repris sa marche, et toutes les institutions qui en découlent et qui s'étaient crues menacées sont revenues à leur niveau.

Le bon emploi du crédit de 500,000 francs alloué pour la remonte des établissements n'a pas été étranger à ce résultat. Jamais la remonte n'a été ni aussi considérable ni aussi brillante que cette année.

La situation des subsistances est satisfaisante; la récolte de 1848, bien que moins abondante que celle qui l'a précédée, offre cependant des ressources supérieures aux besoins du pays.

Les renseignements parvenus sur l'état des récoltes en terre sont très-favorables: c'est une consolation, au milieu de toutes nos épreuves, de voir l'abondance des produits promettre à nos populations le bon marché des denrées alimentaires.

L'exposition des produits de l'industrie, qui exerce une influence heureuse sur le maniement des affaires, s'est ouverte le 4 Juin: le nombre des exposants inscrits s'était élevé à 3,919; il dépasse, cette année, le chiffre de 4,000.

L'exécution de la loi sur les associations ouvrières se poursuit et touche à son terme. Sur 600 demandes parvenues au Département du Commerce, il ne reste aujourd'hui à statuer que sur 80. Des 3,000,000 votés, il a été alloué 2,292,000 francs à 47 associations.

Les Chambres Consultatives et les Chambres de Commerce vont être constituées sur des bases nouvelles.

Le commerce extérieur de la France s'était élevé, en 1847, à la somme totale de 2,614,000, 000 dont 1,343,000,000 à l'importation et 1,271,000,000 à l'exportation.

Rudement éprouvée par les événements politiques, l'année 1848 a vu, comme on pouvait s'y attendre, décroître considérablement le commerce Français. On n'en saurait indiquer exactement la valeur, l'Administration des douanes n'étant pas encore en mesure d'en déterminer le chiffre ; mais on ne peut douter que ce chiffre se trouvera réduit dans une proportion très-notable. La mise en consommation des matières nécessaires à l'industrie, en effet, a beaucoup perdu : celle des fontes est tombée de 95,941 tonnes à 45,553 ; la houille, de 2,173,000 tonnes à 1,796,000 ; la laine, de 138,000 quintaux à 80,962 ; la soie, de 15,000 à 7,688, &c.

Un élément, au reste, permettra de juger assez exactement des variations qu'a subies notre commerce extérieur en 1848 : c'est la recette des douanes.

En 1847, elle avait donné en moyenne mensuelle environ 11,000,000.

Durant les mois de Janvier et Février 1848, elle produit une moyenne de 8,700,000 francs. A partir de Mars, et pour chacun des 3 mois suivants, elle va s'affaiblissant, et ne donne plus, en moyenne, qu'environ 5,000,000 ; durant les mois de Juillet, Août, et Septembre, la moyenne se relève un peu au-dessus de 8,000,000 ; enfin, pour les mois d'Octobre, Novembre, et Décembre, elle atteint le chiffre de 9,000,000, c'est-à-dire près du double de ce qu'avaient produit les mois les plus agités de l'exercice.

Il était facile de voir que dans le cours du dernier trimestre, et à mesure que le pays approchait du moment où le pouvoir allait se trouver régulièrement et définitivement constitué, la marche des affaires commerciales s'améliorait en même temps que se raffermissait la confiance publique.

Cette influence s'est fait principalement sentir sur nos exportations. Presque tous les articles avaient, durant le 1er semestre, éprouvé de fortes pertes ; à l'aide de l'élévation et de l'extension des primes (Décret du 10 Juin, 1848), elles reprennent une activité qui se fait particulièrement remarquer vers la fin de l'année. A cette époque, la diminution disparaît pour la majeure partie des articles ; pour certains même, comme les vins, les eaux-de-vie, les soieries et les toiles, il y a, comparativement à 1847, quelque accroissement.

Mais c'est en examinant les résultats des premiers mois de 1849 qu'on aperçoit plus évidemment encore ce mouvement améliorateur.

Si en Janvier et Février on trouve des différences en moins assez sensibles, comparativement aux mois correspondants de 1848, l'avantage en Mars et Avril passe, pour la plupart des marchandises importées et exportées, du côté de 1849. Ainsi, pour citer quelques-uns de ces articles qui alimentent plus spécialement le travail industriel, le coton, au 30 Avril, donne 21,000,000 de kil. au lieu de 13 ; la houille, 567,000 tonnes au lieu de 447,000 ; la laine, 45,765 quintaux au lieu de 21,480 ; le sucre brut, 26,000,000 de kil. au lieu de 16 ; l'indigo,

394,000 kil. au lieu de 289,000 ; le bois d'acajou, 700,000 kil. au lieu de 505,000, et enfin la recette des douanes au 30 Avril, 1849, s'élève à 39,000,000 de francs au lieu de 26,787,000 qu'elle avait donnés à pareille époque de 1848 ; et ce qui prouve que l'amélioration s'est continuée en Mai, malgré les agitations qui ont affecté ce mois, c'est qu'il a donné 5,500,000 de plus que celui de 1847, et que Paris a vu, comparativement aussi à Mai 1848, s'élever de 6,000,000 le chiffre de ses exportations.

Le décret qui avait temporairement élevé le taux des primes de sortie ayant cessé d'être en vigueur à partir du 1er Janvier, 1849, on eût pu croire que nos exportations allaient, à dater de ce moment, se ralentir, et que cette mesure législative aurait, sous ce rapport, escompté en 1848 les bénéfices de 1849 ; il n'en a rien été : nos tissus de toute sorte montraient, au 31 Mai dernier, un accroissement très-marqué, et il en était de même de nos sucres raffinés, de nos peaux ouvrées, de nos verreries, &c.

En résumé, la situation du commerce Français, vivement compromise pendant une grande partie de l'année 1848, s'est un peu améliorée vers la fin de cet exercice et a pris une marche positivement ascendante depuis le commencement de 1849. C'est un résultat qui, en assurant au présent des avantages certains, semble être aussi une garantie de sécurité pour l'avenir.

La question de la réforme pénitentiaire, la question du travail dans les prisons, se rattachent aux intérêts de l'industrie. Chacun des systèmes a été particulièrement étudié ; le rétablissement de la discipline est l'objet d'efforts persévérants, et une idée préoccupe surtout l'Administration, celle de la part qu'il conviendrait peut-être d'accorder à l'agriculture dans la réorganisation des travaux des condamnés.

Le nombre des prisons départementales est de	..	..	400
Celui des maisons centrales, de	..	..	21
Etablissements ou quartiers d'éducation correctionnelle pour			
les jeunes détenus	..	..	12
Colonies agricoles fondées par le Gouvernement	..	..	5
„ administrées par des particuliers	..	..	7
			<hr/>
Total	..	..	445

Au 1er Janvier, 1848, la population s'élevait dans les prisons			
départementales à	..	..	26,653
Dans les maisons centrales, à	..	..	17,789
Dans les établissements et colonies de jeunes détenus, à	..	..	3,600
			<hr/>
Total	..	..	48,042

Actuellement on compte en France plus de 1,300 établissements

publics pour les malades, les vieillards, les enfants, &c. dont les revenus annuels dépassent la somme de 53,000,000 francs.

Il faut y ajouter près de 8,000 bureaux de bienfaisance pour la distribution de secours à domicile, qui possèdent environ 13,500,000 francs de revenus ordinaires.

Enfin d'autres services charitables, relatifs aux monts-de-piété, aux enfants trouvés, aux aliénés indigents, aux sourds-muets et aux aveugles, emploient au soulagement des infortunes des sommes qui s'élèvent à près de 50,000,000 francs. C'est donc environ 116,000,000 par an qui sont consacrés à l'assistance publique, sans compter les charités privées, dont il est impossible de calculer l'importance, même approximativement.

Mais ces secours, tout immenses qu'ils paraissent, sont encore trop faibles si on les compare à la masse des besoins. Le Gouvernement le sait, et il a la ferme volonté de pourvoir à cette insuffisance.

Les mesures qui peuvent intéresser la santé publique ont été prises sur tous les points de la France. Des comités d'hygiène et de salubrité ont été institués; leur organisation promet, dans un avenir prochain, d'heureux résultats, et dès aujourd'hui assure d'utiles secours aux populations envahies par le choléra.

Les crédits votés par l'Assemblée Nationale ont permis de venir en aide aux communes atteintes et dont les ressources étaient insuffisantes pour procurer aux familles pauvres les secours dont elles avaient besoin en présence de l'épidémie.

Malgré l'avantage qu'il y aurait eu à augmenter les travaux publics, afin d'employer tous les bras oisifs, l'état de nos finances engagea l'Assemblée constituante à décréter des réductions considérables, qui ont porté sur l'achèvement des routes, l'entretien et les dotations spéciales affectées aux réparations des principales rivières et des ports maritimes.

Nos 4,800 kilomètres de canaux ont eu à supporter des réductions analogues.

Les 2 nouveaux canaux même, commencés suivant un décret de l'Assemblée, le premier entre Nogent et Marcilly, le second dérivé de la Sauldre pour l'assainissement de la Sologne, ont été interrompus faute de crédits, quoique le but eût été d'offrir aux ouvriers un salaire assuré.

Cependant, 2 des lignes les plus importantes n'ont pas été abandonnées et touchent presque à leur fin: ce sont le canal de la Marne au Rhin et le canal latéral à la Garonne.

Quant aux chemins de fer exécutés par l'Etat, on avait déjà dépensé, au 31 Décembre, 1847, pour les lignes construites, près de 800,000,000.

D'après les évaluations des ingénieurs, il restait encore à dépenser, pour les terminer, une somme de 330,000,000. La crise financière a forcé de réduire successivement cette somme jusqu'à 46,000,000.

Le réseau du Nord a été accru, au mois de Mars, d'une section comprise entre Creil et Noyon.

Le chemin qui borde la rive gauche de la Loire a été prolongé jusqu'à Saumur.

Dans les chemins du Centre, on s'est avancé jusqu'à Nérondes.

Sur la grande ligne entre Paris et Marseille, la section de Marseille à Avignon est ouverte. L'Etat administre provisoirement cette ligne, dont la compagnie concessionnaire a été légalement dépossédée.

D'Avignon à Lyon, aucun travail n'a été entrepris. Entre Lyon et Paris, l'Etat a repris la concession qu'il avait faite le 20 Décembre, 1845.

De Paris à Tonnerre et de Dijon à Châlons-sur-Saône, la voie de fer va être ouverte dans quelques semaines. Pour combler les lacunes de Tonnerre à Dijon et de Châlons à Lyon, il faut encore près de 2 ans de travaux non interrompus.

Les contrées de l'Ouest n'ont obtenu qu'un seul tracé, celui qui joindra la capitale avec la ville de Rennes. La tête de cette ligne était l'un des deux chemins de Versailles; la Loi du 21 Avril dernier rattache au chemin de la rive gauche les travaux complètement terminés entre Versailles et Chartres. Le transport des voyageurs commencera au 10 Juillet, et dans 8 mois le point extrême pourra être porté à la Loupe, et ouvrir ainsi un accès à la population du département de l'Orne.

L'exploitation des mines et celle des usines métallurgiques ont, malgré la crise commerciale de 1848, fait quelques progrès.

45 concessions nouvelles de mines ont été données, c'est-à-dire autant que dans les 3 années précédentes réunies. Depuis le 1er Janvier, 1849, jusqu'au 19 Mai, 10 autres concessions ont été accordées.

Les permissions d'usines ont suivi le même progrès. En 1847 il en avait été accordé 36; pour 1848 on en compte 55; enfin 19 depuis le 1er Janvier.

La carte géologique proprement dite est achevée et publiée.

Le crédit proposé au budget de l'exercice 1849 pour l'organisation d'un service hydraulique ayant pour but le dessèchement des terres insalubres n'ayant pas été admis, l'Administration a dû nécessairement se borner à organiser un service spécial dans un certain nombre de départements où les Conseils Généraux avaient donné leur approbation à cette mesure.

L'industrie des bâtiments civils, qui occupe un grand nombre d'ouvriers et d'artistes, a souffert de notre état de crise.

L'Assemblée Nationale s'est bornée à voter les crédits nécessaires à l'achèvement des constructions déjà entreprises depuis plusieurs années: aussi les travaux ont-ils été repris à la Sainte-Chapelle, à l'Ecole des Mines, à la Bibliothèque Sainte-Geneviève, à l'Ecole Polytechnique, à l'Ecole Vétérinaire de Lyon, &c.

Le Gouvernement a pensé qu'il serait digne de la République d'achever le palais du Louvre, où seraient réunis toutes nos richesses littéraires et artistiques; il en a fait la demande à l'Assemblée Nationale. Cette demande a été l'objet des études d'une commission qui n'a pas achevé son travail. Cette question importante sera de nouveau soumise à l'Assemblée.

Dès le début de son administration, le Ministre de l'Instruction Publique a institué 2 commissions pour préparer 2 projets de lois sur l'enseignement primaire et sur l'enseignement secondaire, ayant pour but principal l'application immédiate et sincère du principe de liberté inscrit dans la Constitution. Le résultat de leurs laborieuses délibérations sera sans retard présenté à l'Assemblée.

Un projet de loi sur l'établissement de cours d'administration pratique dans chaque faculté de département a été présenté à l'Assemblée Nationale. Elle n'a rien décidé. La question sera de nouveau posée devant l'Assemblée Législative.

Deux arrêtés du Pouvoir Exécutif, en date du 30 Mai et du 16 Août, avaient placé dans les attributions du Ministère de l'Instruction Publique les établissements d'enseignement en Algérie, et Alger était devenu le siège une académie. Une commission, présidée par l'un de nos généraux les plus expérimentés, a été chargée d'étudier le moyen de répandre la connaissance de la langue Arabe parmi les Européens, celle de la langue Française parmi les indigènes.

L'Administration des cultes n'a rencontré que des encouragements et des approbations dans le rapport de la commission du budget.

Des négociations ont été entamées avec la cour de Rome pour l'érection de 3 sièges épiscopaux dans nos possessions coloniales. Cette mesure sera le complément de l'émancipation des noirs et achèvera d'assimiler les colonies à la métropole.

La rénovation des facultés de théologie catholique, conformément au vœu de l'Assemblée Nationale, a également excité les préoccupations du Gouvernement. Une commission a élaboré un projet sur cette délicate question, qui touche aux intérêts les plus élevés de la religion, et, à ce titre, ne peut être utilement résolue sans la participation du pouvoir spirituel.

Des allocations considérables, en permettant d'élever le traitement des instituteurs et d'apporter une première amélioration à la position des desservants, témoignaient chez l'Assemblée de la ferme volonté de répondre aux besoins religieux et intellectuels des populations. Cette pensée de haute politique, d'équité, et de religion sera comprise et continuée sans doute par l'Assemblée Législative.

Il y a aujourd'hui en France 68 établissements d'instruction supérieure et 6,269 étudiants.

En dehors de l'école normale, qui reçoit 115 élèves, on compte 1,220 établissements d'instruction secondaire et 105,065 élèves. Il

existe 56 lycées, 309 collèges communaux et 955 établissements particuliers.

Les écoles primaires reçoivent 2,176,079 garçons et 1,354,056 filles, ce qui donne un total de 3,530,135 élèves.

Ces détails sommaires vous prouveront, Messieurs, que l'Administration s'est acquittée avec zèle de ses devoirs. La révolution lui a imprimé une impulsion nouvelle; et dans les diverses branches qui la composent, elle ne s'est pas bornée au simple accomplissement de ses fonctions, mais elle a cherché les moyens de répondre à l'attente publique, en préparant tous les projets d'amélioration qui seront soumis à l'Assemblée Législative.

Il est dans la destinée de la France d'ébranler le monde lorsqu'elle se remue, de le calmer lorsqu'elle se modère. Aussi l'Europe nous rend-elle responsable de son repos ou de son agitation. Cette responsabilité nous impose de grands devoirs; elle domine notre situation.

Après Février, le contre-coup de notre révolution se fit sentir depuis la Baltique jusqu'à la Méditerranée, et les hommes qui me précédèrent à la tête des affaires ne voulurent pas lancer la France dans une guerre dont on ne pouvait prévoir le terme: ils eurent raison.

L'état de la civilisation en Europe ne permet de livrer son pays aux hasards d'une collision générale qu'autant qu'on a pour soi, d'une manière évidente, le droit et la nécessité. Un intérêt secondaire, une raison plus ou moins spécieuse d'influence politique, ne suffisent pas: il faut qu'une nation comme la nôtre, si elle s'engage dans une lutte colossale, puisse justifier, à la face du monde, ou la grandeur de ses succès ou la grandeur de ses revers.

Lorsque je parvins au pouvoir, de graves questions s'agitaient sur divers points de l'Europe. Au delà du Rhin comme au delà des Alpes, depuis le Danemark jusqu'en Sicile, il y avait pour nous un intérêt à sauvegarder, une influence à exercer. Mais cet intérêt et cette influence méritaient-ils, pour être énergiquement soutenus, qu'on courût les chances d'une conflagration Européenne? voilà la question: ainsi posée, elle est facile à résoudre.

Sous ce point de vue, dans toutes les affaires extérieures qui ont été le sujet des négociations que nous allons passer en revue, la France a fait ce qu'il était possible de faire pour l'intérêt de ses alliés, sans cependant recourir aux armes, cette dernière raison des Gouvernements.

La Sicile, il y a près d'un an, s'était insurgée contre le Roi de Naples. L'Angleterre et la France intervinrent avec leur flotte pour arrêter des hostilités qui prenaient le caractère du plus cruel acharnement, et il faut le dire, quoique l'Angleterre eût plus d'intérêt dans cette question que la France elle-même, les 2 Amiraux s'unirent d'un

commun accord pour obtenir du Roi Ferdinand en faveur des Siciliens une amnistie complète et une constitution qui garantissait leur indépendance législative et administrative. Ils refusèrent. Les Amiraux quittèrent la Sicile, forcés d'abandonner le rôle de médiateurs, et bientôt la guerre recommença. Un peu plus tard, ce même peuple qui avait repoussé des conditions favorables était obligé de se rendre à discrétion.

Au nord de l'Italie, une guerre sérieuse avait éclaté, et un moment, lorsque l'armée Piémontaise poussa ses succès jusqu'au Mincio, l'on avait pu croire que la Lombardie recouvrerait son indépendance. La désunion fit promptement évanouir cet espoir, et le Roi de Piémont fut obligé de se retirer dans ses Etats.

A l'époque de mon élection, la médiation de la France et de l'Angleterre avait été acceptée par les parties belligérantes. Il ne s'agissait plus que d'obtenir pour le Piémont les conditions les moins désavantageuses. Notre rôle était indiqué, commandé même. S'y refuser, c'était allumer une guerre Européenne. Quoique l'Autriche n'eût envoyé aucun négociateur à Bruxelles, lieu indiqué de la conférence, le Gouvernement Français conseilla au Piémont de résister au mouvement qui l'entraînait à la guerre et de ne pas recommencer une lutte trop inégale.

Ce conseil ne fut pas suivi, vous le savez. Et après une nouvelle défaite, le Roi de Sardaigne conclut directement avec l'Autriche un nouvel armistice.

Quoique la France ne fût pas responsable de cette conduite, elle ne pouvait pas permettre que le Piémont fût écrasé, et du haut de la tribune, le Gouvernement déclara qu'il maintiendrait l'intégrité du territoire d'un pays qui couvre une partie de nos frontières. D'un côté, il s'est efforcé de modérer les exigences de l'Autriche demandant une indemnité de guerre qui parut exorbitante; de l'autre, il a engagé le Piémont à faire de justes sacrifices pour obtenir une paix honorable. Nous avons tout lieu de croire que nous réussirons dans cette œuvre de conciliation.

Tandis qu'au nord de l'Italie se passaient ces événements, de nouvelles commotions venaient au centre de la Péninsule compliquer la question.

En Toscane, le Grand-Duc avait quitté ses Etats. A Rome s'était accomplie une révolution qui avait vivement ému le monde catholique et libéral : en effet, depuis 2 ans on était habitué à voir sur le saint-siège un pontife qui prenait l'initiative des réformes utiles, et dont le nom, répété dans des hymnes de reconnaissance, d'un bout de l'Italie à l'autre, était le symbole de la liberté et le gage de toutes les espérances, lorsque tout à coup l'on apprit avec étonnement que ce Souverain, naguère l'idole de son peuple, avait été contraint de s'enfuir furtivement de sa capitale.

Aussi, les actes d'agression qui obligèrent Pie IX à quitter Rome parurent-ils aux yeux de l'Europe être l'œuvre d'une conjuration, bien plus que le mouvement spontané d'un peuple qui ne pouvait être passé en un instant de l'enthousiasme le plus vif à l'ingratitude la plus affligeante.

Les Puissances Catholiques envoyèrent des Ambassadeurs à Gaëte pour s'occuper des graves intérêts de la Papauté. La France devait y être représentée; elle écouta tout sans engager son action, mais après la défaite de Novare les affaires prirent une tournure plus décidée: l'Autriche, de concert avec Naples, répondant à l'appel du Saint-Père, notifie au Gouvernement Français qu'il eût à prendre un parti, car ces Puissances étaient décidées à marcher sur Rome pour y rétablir purement et simplement l'autorité du Pape.

Mis en demeure de nous expliquer, nous n'avions que trois moyens à adopter :

Ou nous opposer par les armes à toute espèce d'intervention, et, en ce cas, nous rompons avec toute l'Europe catholique pour le seul intérêt de la République Romaine, que nous n'avions pas reconnue;

Ou laisser les 3 Puissances coalisées rétablir à leur gré et sans ménagement l'autorité papale;

Ou bien, enfin, exercer de notre propre mouvement une action directe et indépendante.

Le Gouvernement de la République adopta ce dernier moyen.

Il nous semblait facile de faire comprendre aux Romains que, pressés de toutes parts, ils n'avaient de chances de salut qu'en nous; que si notre présence avait pour résultat le retour de Pie IX, ce souverain, fidèle à lui-même, ramènerait avec lui la réconciliation et la liberté; qu'une fois à Rome, nous garantissons l'intégrité du territoire, en ôtant tout prétexte à l'Autriche d'entrer en Romagne. Nous pouvions même espérer que notre drapeau, arboré sans contestation au centre de l'Italie, aurait étendu son influence protectrice sur la Péninsule tout entière, dont aucune des douleurs ne peut nous trouver indifférents.

L'expédition de Civita-Vecchia fut donc résolue de concert avec l'Assemblée Nationale, qui vota les crédits nécessaires. Elle avait toutes les chances de succès: les renseignements reçus s'accordaient à dire qu'à Rome, excepté un petit nombre d'hommes qui s'étaient emparés du pouvoir, la majorité de la population attendait notre arrivée avec impatience; la simple raison devait faire croire qu'il en était ainsi, car, entre notre intervention et celle des autres Puissances, le choix ne pouvait pas être douteux.

Un concours de circonstances malheureuses en décida autrement: notre corps expéditionnaire, peu nombreux, car une résistance sérieuse n'était pas prévue, débarqua à Civita-Vecchia, et le Gouvernement est instruit que s'il eût pu arriver à Rome le même jour, on lui en

aurait ouvert les portes avec joie. Mais pendant que le Général Oudinot notifiait son arrivée au Gouvernement de Rome, Garibaldi y entra à la tête d'une troupe formée des réfugiés de toutes les parties de l'Italie, et même du reste de l'Europe, et sa présence, on le conçoit, accrut subitement la force du parti de la résistance.

Le 30 Avril, 6,000 de nos soldats se présentèrent sous les murs de Rome. Ils furent reçus à coups de fusils; quelques-uns même, attirés dans un piège, furent faits prisonniers. Nous devons tous gémir du sang répandu dans cette triste journée. Cette lutte inattendue, sans rien changer au but final de notre entreprise, a paralysé nos intentions bienfaisantes et rendu vains les efforts de nos négociateurs.

Au nord de l'Allemagne, l'insurrection avait compromis l'indépendance d'un Etat, l'un des plus anciens et des plus fidèles alliés de la France. Le Danemark avait vu les populations des Duchés de Holstein et de Schleswig se révolter contre lui, tout en reconnaissant cependant la souveraineté du prince qui régnait en ce moment. Le Gouvernement central de l'Allemagne crut devoir décréter l'incorporation du Schleswig à la confédération, parce qu'une grande partie du peuple était de race Allemande.

Cette mesure est devenue la cause d'une guerre acharnée. L'Angleterre a offert sa médiation, qui a été acceptée. La France, la Russie, la Suède, se sont montrées disposées à appuyer le Danemark.

Des négociations ouvertes depuis plusieurs mois ont amené à cette conclusion que le Schleswig formerait, sous la souveraineté du Roi de Danemark, un état particulier. Mais, ce principe admis, on n'a pu s'entendre sur les conséquences qu'il fallait en tirer, et les hostilités ont recommencé. Les efforts des Puissances que je viens de nommer tendent en ce moment à la conclusion d'un nouvel armistice, préliminaire d'un arrangement définitif.

Le reste de l'Allemagne est agité par de graves perturbations. Les efforts faits par l'Assemblée de Francfort en faveur de l'unité Allemande ont provoqué la résistance de plusieurs des états fédérés, et amené un conflit qui, se rapprochant de nos frontières, doit attirer notre surveillance. L'empire d'Autriche, engagé dans une lutte acharnée avec la Hongrie, s'est cru autorisé à appeler le secours de la Russie. L'intervention de cette Puissance, la marche de ses armées vers l'Occident, ne pouvaient qu'exciter à un haut degré la sollicitude du Gouvernement, qui a déjà échangé à ce sujet des notes diplomatiques.

Ainsi, partout en Europe, il y a des causes de collision que nous avons cherché à apaiser, tout en conservant notre indépendance d'action et notre caractère propre.

Dans toutes ces questions, nous avons toujours été d'accord avec

l'Angleterre, qui nous a offert un concours auquel nous devons être sensibles.

La Russie a reconnu la République.

Le Gouvernement a conclu avec l'Espagne et la Belgique des Traités de Postes qui facilitent les communications internationales.

En Amérique l'Etat de Montevideo s'est singulièrement modifié ; d'après les renseignements de l'Amiral, qui commande dans ces parages nos forces navales, la population Française a émigré d'une des rives du Rio de la Plata à l'autre. Ce déplacement de la population Française doit nécessairement à l'avenir être pris en considération.

Enfin, Messieurs les Représentants, si toutes nos négociations n'ont pas obtenu le succès que nous devons en attendre, soyez persuadés que le seul mobile qui anime le Gouvernement de la République, c'est le sentiment de l'honneur et de l'intérêt de la France.

Tel est, Messieurs, l'exposé sommaire de l'état actuel des affaires de la République. Vous voyez que nos préoccupations sont graves, nos difficultés grandes, et qu'il nous reste aujourd'hui, au dedans comme au dehors, bien des questions importantes à résoudre. Fort de votre appui et de celui de la nation, j'espère néanmoins m'élever à la hauteur de la tâche, en suivant une marche nette et précise.

Cette marche consiste, d'une côté, à prendre hardiment l'initiative de toutes les améliorations, de toutes les réformes qui peuvent contribuer au bien-être de tous, et, de l'autre, à réprimer, par la sévérité de lois devenues nécessaires, les tentatives de désordre et d'anarchie qui prolongent le malaise général. Je ne bercerai pas le peuple d'illusions et d'utopies qui n'exaltent les imaginations que pour aboutir à la déception et à la misère. Partout où j'apercevrai une idée féconde en résultats pratiques, je la ferai étudier, et, si elle est applicable, je vous proposerai de l'appliquer.

La principale mission d'un Gouvernement Républicain, surtout, c'est d'éclairer le peuple par la manifestation de la vérité, de dissiper l'éclat trompeur que l'intérêt personnel des partis fait briller à ses yeux. Un fait malheureux se retrouve à chaque page de l'histoire : c'est que plus les maux d'une société sont réels et patents, plus une minorité aveugle se lance dans le mysticisme des théories.

Au commencement du XVII^e siècle, ce n'était pas pour le triomphe des idées insensées de quelques fanatiques, prenant la Bible pour texte et pour excuse de leurs folies, que le peuple Anglais luttait pendant 20 ans, mais pour la suprématie de sa religion et le triomphe de sa liberté.

De même, après 89, ce n'était pas pour les idées de Babœuf ou de tel autre sectaire que la société fut bouleversée, mais pour l'abolition des privilèges, pour la division de la propriété, pour l'égalité devant la loi, pour l'admission de tous aux emplois.

Eh bien ! encore aujourd'hui ce n'est pas pour l'application de

théories inapplicables ou d'avantages imaginaires que la révolution s'est accomplie, mais pour avoir un Gouvernement qui, résultat de la volonté de tous, soit plus intelligent des besoins du peuple et puisse conduire, sans préoccupations dynastiques, les destinées du pays.

Notre devoir est donc de faire la part entre les idées fausses et les idées vraies qui jaillissent d'une révolution ; puis, cette séparation faite, il faut se mettre à la tête des unes et combattre courageusement les autres. La vérité se trouvera en faisant appel à toutes les intelligences, en ne repoussant rien avant de l'avoir approfondi, en adoptant tout ce qui aura été soumis à l'examen des hommes compétents et qui aura subi l'épreuve de la discussion.

D'après ce que je viens d'exposer, 2 sortes de lois seront présentées à votre approbation, les unes pour rassurer la société et réprimer les excès, les autres pour introduire partout des améliorations réelles ; parmi celles-ci j'indiquerai les suivantes :

Loi sur les institutions de secours et de prévoyance, afin d'assurer aux classes laborieuses un refuge contre les conséquences de la suspension des travaux, des infirmités, et de la vieillesse ;

Loi sur la réforme du régime hypothécaire : il faut qu'une institution nouvelle vienne féconder l'agriculture, en lui apportant d'utiles ressources, en facilitant ses emprunts ; elle préludera à la formation d'établissements de crédit à l'instar de ceux qui existent dans les divers états d'Europe ;

Loi sur l'abolition de la prestation en nature ;

Loi sur la subvention en faveur des associations ouvrières et des comices agricoles ;

Loi sur la défense gratuite des indigents, qui n'est pas suffisamment assurée dans notre législation. La justice, qui est une dette de l'Etat, et qui par conséquent est gratuite, se trouve environnée de formalités onéreuses, qui en rendent l'accès difficile aux citoyens pauvres et ignorants. Leurs droits et leurs intérêts ne sont pas assez protégés ; sous l'empire de notre constitution démocratique, cette anomalie doit disparaître.

Enfin, une loi est préparée ayant pour but d'améliorer la pension de retraite des sous-officiers et soldats, et d'introduire dans la loi sur le recrutement de l'armée les modifications dont l'expérience a démontré l'utilité.

Indépendamment de ces projets, vous aurez à vous occuper des lois organiques que la dernière Assemblée n'a pas eu le temps d'élaborer et qui sont le complément nécessaire de la Constitution.

Ce qui précède suffit, Messieurs, je l'espère, pour vous prouver que mes intentions sont conformes aux vôtres. Vous voulez comme moi travailler au bien-être de ce peuple qui nous a élus, à la gloire, à la prospérité de la Patrie ; comme moi, vous pensez que les meil-

leurs moyens d'y parvenir ne sont pas la violence et la ruse, mais la fermeté et la justice. La France se confie au patriotisme des membres de l'Assemblée; elle espère que la vérité, dévoilée au grand jour de la tribune, confondra le mensonge et désarmera l'erreur. De son côté le Pouvoir Exécutif fera son devoir.

J'appelle sous le drapeau de la République et sur le terrain de la Constitution tous les hommes dévoués au salut du pays; je compte sur leur concours et sur leurs lumières pour m'éclairer, sur ma conscience pour me conduire, sur la protection de Dieu pour accomplir ma mission.

Recevez, Messieurs, l'assurance de ma haute estime.

LOUIS NAPOLEON BONAPARTE.

MESSAGE of the President of The United States to Congress, relative to an Invasion and commencement of Hostilities by Mexico.—Washington, May 11, 1846.

FELLOW CITIZENS OF THE SENATE, AND
HOUSE OF REPRESENTATIVES,

THE existing state of the relations between The United States and Mexico renders it proper that I should bring the subject to the consideration of Congress. In my message at the commencement of your present session, the state of these relations, the causes which led to the suspension of diplomatic intercourse between the 2 countries in March, 1845, and the long-continued and unredressed wrongs and injuries committed by the Mexican Government on citizens of The United States, in their persons and property, were briefly set forth.

As the facts and opinions which were then laid before you were carefully considered, I cannot better express my present convictions of the condition of affairs up to that time, than by referring you to that communication.

The strong desire to establish peace with Mexico on liberal and honourable terms, and the readiness of this Government to regulate and adjust our boundary, and other causes of difference with that Power, on such fair and equitable principles as would lead to permanent relations of the most friendly nature, induced me in September last to seek the re-opening of diplomatic relations between the 2 countries. Every measure adopted on our part had for its object the furtherance of these desired results. In communicating to Congress a succinct statement of the injuries which we had suffered

from Mexico, and which have been accumulating during a period of more than 20 years, every expression that could tend to inflame the people of Mexico, or defeat or delay a pacific result, was carefully avoided. An envoy of The United States repaired to Mexico, with full powers to adjust every existing difference. But though present on the Mexican soil, by agreement between the 2 Governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican Government not only refused to receive him, or listen to his propositions, but, after a long-continued series of menaces, have at last invaded our territory, and shed the blood of our fellow-citizens on our own soil.

It now becomes my duty to state more in detail the origin, progress, and failure of that mission. In pursuance of the instructions given in September last, an inquiry was made, on the 13th of October, 1845, in the most friendly terms, through our Consul in Mexico, of the Minister for Foreign Affairs, whether the Mexican Government "would receive an envoy from The United States intrusted with full powers to adjust all the questions in dispute between the 2 Governments;" with the assurance that "should the answer be in the affirmative, such an envoy would be immediately dispatched to Mexico." The Mexican Minister, on the 15th of October, gave an affirmative answer to this inquiry, requesting, at the same time, that our naval force at Vera Cruz might be withdrawn, lest its continued presence might assume the appearance of menace and coercion pending the negotiations. This force was immediately withdrawn. On the 10th of November, 1845, Mr. John Slidell, of Louisiana, was commissioned by me as Envoy Extraordinary and Minister Plenipotentiary of The United States to Mexico, and was entrusted with full powers to adjust both the questions of the Texas boundary and of indemnification to our citizens. The redress of the wrongs of our citizens naturally and inseparably blended itself with the question of boundary. The settlement of the one question, in any correct view of the subject, involves that of the other. I could not, for a moment, entertain the idea that the claims of our much-injured and long-suffering citizens, many of which had existed for more than 20 years, should be postponed, or separated from the settlement of the boundary question.

Mr. Slidell arrived at Vera Cruz on the 30th of November, and was courteously received by the authorities of that city. But the Government of General Herrera was then tottering to its fall. The revolutionary party had seized upon the Texas question to effect or hasten its overthrow. Its determination to restore friendly relations with The United States, and to receive our Minister, to negotiate for the settlement of this question, was violently assailed, and was made

the great theme of denunciation against it. The Government of General Herrera, there is good reason to believe, was sincerely desirous to receive our Minister; but it yielded to the storm raised by its enemies, and on the 21st of December refused to accredit Mr. Slidell upon the most frivolous pretexts. These are so fully and ably exposed in the note of Mr. Slidell, of the 24th of December last, to the Mexican Minister of Foreign Relations, herewith transmitted, that I deem it unnecessary to enter into further detail on this portion of the subject.

Five days after the date of Mr. Slidell's note, General Herrera yielded the Government to General Paredes, without a struggle, and on the 30th of December resigned the Presidency. This revolution was accomplished solely by the army, the people having taken little part in the contest; and thus the supreme power in Mexico passed into the hands of a military leader.

Determined to leave no effort untried to effect an amicable adjustment with Mexico, I directed Mr. Slidell to present his credentials to the Government of General Paredes, and ask to be officially received by him. There would have been less ground for taking this step had General Paredes come into power by a regular constitutional succession. In that event his administration would have been considered but a mere constitutional continuance of the Government of General Herrera, and the refusal of the latter to receive our Minister would have been deemed conclusive, unless an intimation had been given by General Paredes of his desire to reverse the decision of his predecessor. But the Government of General Paredes owes its existence to a military revolution, by which the subsisting constitutional authorities had been subverted. The form of Government was entirely changed, as well as all the high functionaries by whom it was administered.

Under these circumstances, Mr. Slidell, in obedience to my direction, addressed a note to the Mexican Minister of Foreign Relations, under date of the 1st of March last, asking to be received by that Government in the diplomatic character to which he had been appointed. This minister, in his reply under date of the 12th of March, reiterated the arguments of his predecessor, and, in terms that may be considered as giving just grounds of offence to the Government and people of The United States, denied the application of Mr. Slidell. Nothing, therefore, remained for our envoy but to demand his passports, and return to his own country.

Thus the Government of Mexico, though solemnly pledged by official acts in October last to receive and accredit an American envoy, violated their plighted faith, and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of

faith in refusing to admit the envoy, who came because they had bound themselves to receive him. Nor can it be said, that the offer was fruitless from the want of opportunity of discussing it—our envoy was present on their own soil. Nor can it be ascribed to a want of sufficient powers—our envoy had full powers to adjust every question of difference. Nor was there room for complaint that our propositions for settlement were unreasonable—permission was not even given our envoy to make any proposition whatever. Nor can it be objected that we, on our part, would not listen to any reasonable terms of their suggestion—the Mexican Government refused all negotiation, and have made no proposition of any kind.

In my message at the commencement of the present session, I informed you, that, upon the earnest appeal both of the Congress and Convention of Texas, I had ordered an efficient military force to take a position “between the Nueces and the Del Norte.” This had become necessary, to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of The United States, to annex herself to our Union; and, under these circumstances, it was plainly our duty to extend our protection over her citizens and soil.

This force was concentrated at Corpus Christi, and remained there, until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican Government would refuse to receive our envoy.

Meantime Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its Act of December 19, 1836, had declared the Rio del Norte to be the boundary of that Republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the Convention of Texas; had thus taken part in the act of annexation itself; and is now included within one of our congressional districts. Our own Congress had, moreover, with great unanimity, by the Act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory, by including it within our own revenue system; and a revenue officer, to reside within that district, has been appointed, by and with the advice and consent of the Senate. It became, therefore, of urgent necessity to provide for the defence of that portion of our country. Accordingly, on the 13th of January last, instructions were issued to the general in command of these troops to occupy the left bank of the Del Norte. This river, which is the south-western boundary of the State of Texas, is an exposed frontier; from this quarter invasion was threatened; upon it, and in its immediate

vicinity, in the judgment of high military experience, are the proper stations for the protecting forces of the Government. In addition to this important consideration, several others occurred to induce this movement. Among these are the facilities afforded by the ports at Brazos Santiago and the mouth of the Del Norte, for the reception of supplies by sea; the stronger and more healthful military positions; the convenience for obtaining a ready and more abundant supply of provisions, water, fuel, and forage; and the advantages which are afforded by the Del Norte in forwarding supplies to such posts as may be established in the interior and upon the Indian frontier.

The movement of the troops to the Del Norte was made by the commanding general, under positive instructions to abstain from all aggressive acts towards Mexico or Mexican citizens, and to regard the relations between that Republic and The United States as peaceful, unless she should declare war, or commit acts of hostility indicative of a state of war. He was specially directed to protect private property, and respect personal rights.

The army moved from Corpus Christi on the 11th of March, and on the 28th of that month arrived on the left bank of the Del Norte, opposite to Matamoras, where it encamped on a commanding position, which has since been strengthened by the erection of field works. A depôt has also been established at Point Isabel, near the Brazos Santiago, 30 miles in rear of the encampment. The selection of his position was necessarily confided to the judgment of the general in command.

The Mexican forces at Matamoras assumed a belligerent attitude, and, on the 12th of April, General Ampudia, then in command, notified General Taylor to break up his camp within 24 hours, and to retire beyond the Nueces River, and, in the event of his failure to comply with these demands, announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day, General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that "he considered hostilities commenced, and should prosecute them." A party of dragoons, of 63 men and officers, were on the same day dispatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed, or were preparing to cross the river, "became engaged with a large body of these troops, and, after a short affair, in which some 16 were killed and wounded, appear to have been surrounded and compelled to surrender."

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed; and solemn Treaties, pledging her public faith for this redress, have been disregarded. A Government either unable or unwilling to enforce

the execution of such Treaties, fails to perform one of its plainest duties.

Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations; but our merchants have been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, whilst their appeals through their own Government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigour in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved.

Instead of this, however, we have been exerting our best efforts to propitiate her good-will. Upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own, she has affected to believe that we have severed her rightful territory, and in official proclamations and manifestoes has repeatedly threatened to make war upon us, for the purpose of reconquering Texas. In the meantime, we have tried every effort at reconciliation. The cup of forbearance had been exhausted, even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of The United States, has invaded our territory, and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the 2 nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honour, the rights, and the interests of our country.

Anticipating the possibility of a crisis like that which has arrived, instructions were given in August last, "as a precautionary measure" against invasion, or threatened invasion, authorizing General Taylor, if the emergency required, to accept volunteers, not from Texas only, but from the States of Louisiana, Alabama, Mississippi, Tennessee, and Kentucky; and corresponding letters were addressed to the respective Governors of those States. These instructions were repeated; and, in January last, soon after the incorporation of "Texas into our union of States," General Taylor was further "authorized by the President to make a requisition upon the executive of that State for such of its militia force as may be needed to repel invasion, or to secure the country against apprehended invasion." On the 2nd day of March he was again reminded, "in the event of the approach of any considerable Mexican force, promptly and efficiently to use the authority with which he was clothed to call to him such auxiliary force as he might need." War actually existing, and our territory having been invaded, General Taylor, pursuant to authority vested in

him by my direction, has called on the Governor of Texas for 4 regiments of State troops—2 to be mounted, and 2 to serve on foot; and on the Governor of Louisiana for 4 regiments of infantry, to be sent to him as soon as practicable.

In further vindication of our rights, and defence of our territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigour, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers, to serve for not less than 6 or 12 months, unless sooner discharged. A volunteer force is beyond question more efficient than any other description of citizen soldiers; and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force and furnishing it with supplies and munitions of war.

The most energetic and prompt measures, and the immediate appearance in arms of a large and overpowering force, are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination.

In making these recommendations, I deem it proper to declare that it is my anxious desire not only to terminate hostilities speedily, but to bring all matters in dispute between this Government and Mexico to an early and amicable adjustment; and, in this view, I shall be prepared to renew negotiations, whenever Mexico shall be ready to receive propositions, or to make propositions of her own.

I transmit herewith a copy of the correspondence between our envoy to Mexico and the Mexican Minister for Foreign Affairs; and so much of the correspondence between that envoy and the Secretary of State, and between the Secretary of War and the General in command on the Del Norte, as is necessary to a full understanding of the subject.

Washington, May 11, 1846.

JAMES K. POLK.

TREATY of Friendship, Commerce, and Navigation, between Sardinia and New Granada.—Signed at Turin, August 18, 1847.

[Ratifications exchanged at Turin, February 17, 1849.]
(Translation.)

In the name of the Most Holy Trinity.

COMMERCIAL relations having for a considerable time been established between the dominions of His Majesty the King of Sardinia

and the Republic of New Granada, it has been thought advisable, for the more effectually securing and promoting the aforesaid relations, to strengthen them by means of a Treaty of Peace, Commerce, and Navigation.

For this purpose His Majesty the King of Sardinia has conferred full powers upon his Excellency Count D. Clement Solar della Margarita, Knight Grand Cross, decorated with the Grand Cordon of the religious and military Order of Saint Maurice and Saint Lazarus, Grand Cross of Saint Gregory the Great, Knight of the Pontifical Order of Christ, Grand Cross of the Royal Order of St. Stephen of Hungary, Knight of the Russian Order of St. Alexander Newsky, Grand Cross of the Order of Isabella the Catholic of Spain, and of the Order of Merit of St. Joseph of Tuscany, Master and Grand Cross of the Order of St. John of Jerusalem, Senator Grand Cross of the Holy Angelic Imperial Constantinian Order of St. George of Parma, Grand Cross of the Belgic Order of Leopold, of the Greek Order of the Saviour, of the Danish Order of Danebrog and the Swedish Order of the Polar Star, Knight of the Order of San Januarius of the 2 Sicilies, and of the Brazilian Order of Christ, Knight Grand Cross of the Prussian Order of the Red Eagle, of the Bavarian Order of the Crown, and of the Orders of Merit of Oldenburg and the Ottoman Porte, his Minister and Chief Secretary of State for Foreign Affairs, Superintendent-General of the Posts, and Crown Notary;

And the President of the Republic of New Granada upon Signor D. Eladio de Urisarri, Diplomatic Agent at Rome and Chargé d'Affaires to the Government of His Majesty the King of Sardinia; who, after exchanging their respective full powers, and finding them in good and due form, have agreed upon the following Articles:

ART. I. There shall be perpetual and sincere peace between the King of Sardinia, his heirs and successors on the one part, and the Republic of New Granada on the other part, and between the subjects of Sardinia and the citizens of the above-named Republic.

II. Granadians in the States of His Majesty the King of Sardinia, and the subjects of His Majesty in New Granada shall have reciprocally the same liberty and security as natives themselves for entering with their ships and cargoes into all places, ports, and rivers which are or shall hereafter be open to foreign commerce. In order that when trading to ports and harbours there may be a perfect and reciprocal equality, the citizens or subjects of both the Contracting Powers shall be treated respectively as the citizens or subjects of the most favoured nation; but, as regards the trade along the coast, commonly called the coasting trade, that remains exclusively reserved by both parties in favour of natives.

III. The citizens or subjects of each of the Contracting Parties shall enjoy the power of residing and travelling reciprocally in the territories

of the other, of trading therein, either by wholesale or retail, of renting and occupying the houses, warehouses, and shops they may require, of exporting goods and money, and receiving consignments as well from the interior as from abroad, without the aforesaid citizens or subjects being liable for any of such operations to any other duties than such as are imposed upon natives. In all the purchases and sales they may effect, they shall be at liberty to determine and fix the price of the goods, merchandise, and other objects, whether the same be imported or are productions of the country, whether they are sold for internal consumption or are intended to be exported, provided always that the laws and regulations of the country be strictly adhered to.

They shall also enjoy a like liberty for regulating their own affairs, and as regards the purchase or sale of goods, as well as the lading, unlading, or dispatching of their vessels, they may either themselves render in their declarations to the Custom-House, or do so by means of such substitutes as they may think best, conforming themselves in all cases to the laws of the country. They shall likewise have the power of discharging all the duties entrusted to them by their fellow-countrymen, or by any foreigners or natives, in the manner and form established by the laws of the country, nor shall they be subject to other or higher taxes, contributions, or imposts than those to which the natives or the citizens or subjects of the most favoured nation are liable.

IV. The citizens or subjects of either of the Contracting Parties shall enjoy in the territory of the other the most complete protection and security in their persons and property, provided they respectively subject themselves to the laws of the 2 countries. They shall be exempted from all personal service, in the army, navy, national guard, or militia; as well as from all war taxes, forced loans, requisitions, or military service of every description: moreover, the property, movable or immovable, of the respective citizens or subjects shall not be subject to other taxes, contributions, or imposts, than such as are imposed upon the citizens or subjects of the most favoured nation.

V. Neither the citizens nor subjects of either of the Contracting Parties can be subjected to any sequestration; nor can their ships, crews, merchandise, or commercial effects, be put in requisition for any military expedition, nor for any public object of whatsoever description, without the parties interested receiving such indemnity as shall have been previously agreed upon.

VI. The subjects or citizens of each of the Contracting Parties shall have, in the dominions of the other, the right of possessing immovable property as well as of disposing of the same, and all other property belonging to them, in any way they may deem

advisable. In the same manner the citizens or subjects of either of the Contracting Parties who may inherit, either by will or *ab intestato*, property situated in the dominions of the other, may take possession of the same without any impediment, and dispose thereof at their pleasure without paying other or higher duties, whether of succession or of any other kind, than those to which the natives of the country in which the aforesaid property may be, would be liable.

VII. If, which God forbid! the peace between the 2 Contracting Parties should be interrupted, the term of 6 months shall be allowed to merchants resident on the coast, and of one year to those living in the interior, for the purpose of putting their affairs and concerns in due order, and for transporting their effects whithersoever they may think fit; and at the same time, they shall be furnished with the necessary safe conducts for arriving at the port they may have chosen for their embarkation, provided the same be not occupied or besieged by the enemy, and that, for this or any other reason, their departure from that port is incompatible either with their own safety or that of the State; in which case the embarkation must be effected wherever it may be practicable. Such other citizens or subjects who may have some fixed and permanent establishment in the respective States, or who may be in the exercise of a profession or trade, may retain their establishment, and continue in the exercise of their profession or trade without any interruption, either in the enjoyment of their full and entire liberty, or in that of their property, provided they do not commit any offence against the laws of the country.

VIII. In no case shall different or higher duties be imposed upon the importation into the 2 countries, respectively, of any article being the natural or industrial product of New Granada and of the States of Sardinia, than such as are or shall be paid for similar articles by the most favoured nation. The same principle shall be observed for exportation. No prohibition or restriction whatsoever shall be placed upon the importation or exportation of any article in the reciprocal trade of the 2 Contracting Parties, nor shall any formalities be required for the purpose of ascertaining the origin of the goods, and the place of their shipment, unless the same prohibition, restriction, and formality be also extended to every other nation.

IX. All the products of the soil and of the manufactures of one of the 2 States, or of any other State whatsoever, the importation of which is not absolutely prohibited, shall pay in the ports of the other the same import duties, whether they be introduced on board Sardinian ships or on those of New Granada. In like manner, the products exported shall pay the same duties, and shall enjoy the same privileges and special favours as are or shall be reserved for exportations made in national vessels.

X. The ships of both the Contracting Powers may freely enter and quit the ports of New Granada and Sardinia without being subject to different or higher duties of tonnage, anchorage, lighthouse, pilotage, quarantine, or others, than those which are levied upon national vessels.

XI. The ships of both the Contracting Parties may unload part of their cargo in the port at which they arrive, and then leave the same with the remainder, in order to proceed to other ports of the same State, either for the purpose of completely unloading the vessel, or of taking on board a return freight, without being required to pay in each port higher or different duties than are paid by national vessels in similar cases.

XII. All vessels sailing under the Sardinian flag, or under that of New Granada, and which are provided with a licence and other ship's papers required by the Government of the 2 countries as proof of the nationality of merchant vessels, and whose captains, together with two-thirds of the crew are subjects or citizens of the State under whose flag they sail, shall be considered as Granadian vessels in Sardinia, and as Sardinian vessels in New Granada.

XIII. The ships of war of either of the 2 Contracting Parties are at liberty to enter, anchor, and undergo repairs in any ports belonging to the other, to which access is granted to the most favoured nation, and they shall be subject to the same regulations and enjoy the same privileges.

XIV. Whenever one of the 2 Contracting Parties is at war with any other State, no citizen or subject of the other Contracting Party shall accept a commission or letter of marque for the purpose of aiding or co-operating in a hostile manner against the aforesaid belligerent party, under pain of being treated as a pirate.

XV. It is expressly stipulated, that neither of the 2 Contracting Parties shall order or authorize any act of reprisal, nor declare war against the other on account of any injury or damage complained of, until the party that considers itself aggrieved shall have laid before the other a statement of such injuries or damages, accompanied by sufficient proof in evidence, demanding justice or satisfaction, and this demand has either been denied or deferred without sufficient reason having been assigned.

XVI. In their mutual relations, the 2 Contracting Parties adopt the principle that "the flag covers the cargo;" and, consequently, if one of the 2 Parties should remain neutral while the other is at war with a third Power, the goods covered by the neutral flag shall be considered neutral, although belonging to the enemies of the other Contracting Party. They equally agree that the freedom of the flag secures that of the person, and that, therefore, the citizens or subjects belonging to one hostile Power, found on board a neutral ship, cannot

be made prisoners unless they be military, in the active service of the said Power. Upon this principle, as well as from that of the identity of the flag with the goods, it follows, that the neutral goods found on board of an enemy's ship shall be considered as enemy's property, unless the same shall have been laden on board the said ship previously to the declaration of war, or before intelligence of it shall have arrived at the port whence the vessel cleared out; and it is, moreover, agreed, that after 4 months have elapsed from the date of the said declaration, ignorance thereof cannot be pleaded. The Contracting Parties will not apply the principle agreed upon in this Article to any other Powers than those which recognise it.

XVII. Should one of the 2 Contracting Powers be at war with another Power, nation, or State, the citizens or subjects of the other one may continue their navigation and commerce with the States of the same,—such towns as are actually blockaded being excepted. It being, however, well understood, that such liberty of commerce and navigation does not include articles considered as contraband of war, viz.: fire-arms, side-arms, projectiles, gunpowder, military instruments, implements, and weapons, and all other instruments, of whatsoever description they may be, which are manufactured for warlike purposes.

In no case can a merchant-vessel, belonging to the citizens or subjects of one of the 2 countries, and bound for a port which is blockaded by the other State, be sequestered, captured, or condemned, unless the existence of the blockade shall have been previously notified to it by one of the ships belonging to the blockading squadron, and, in order that the said merchant-vessel may not plead ignorance of the fact, and that it may be lawful to capture the said vessel which, notwithstanding the notification made to it in due form, again presents itself before the said port during the blockade thereof, the commander of the ship-of-war must, the first time he meets with the merchantman, write down in his ship's papers the day, place, or latitude and longitude in which he visited the same, and notified to it the fact of the blockade.

XVIII. It shall not be permitted in the territory of one of the 2 Contracting Powers to make enrolments or agreements, to organize troops, or to build, arm, or man vessels of war or privateers, in order to carry on hostile proceedings against the territories, citizens, or merchants of the other Contracting Party.

XIX. Consulates may be established in both countries for the protection of commerce; but the Consuls shall not enter upon the exercise of their duties, nor into the enjoyment of the rights, privileges, and immunities which appertain to them, until they have obtained the authorization of the territorial Government, to which shall be reserved the right of determining into what places it deems

fit to admit Consuls, both the States undertaking not to impose, in this particular, any restrictions or prohibitions which are not common to all other nations.

XX. In order to prevent every cause of dispute or misunderstanding, and with the view of fixing, in the clearest manner, the character, functions, attributes, powers, and immunities of the Consuls, of whatsoever class they may be, both the Contracting Parties recognise, in conformity with the general principles of the rights of nations, that Consuls, to whatsoever class they may belong, are but mere commercial agents, and, consequently, have no right—unless specially commissioned (which in such case must be fully proved) and possessed of the immunities conferred upon ministers or diplomatic agents by international law,—to treat and discuss, with the Government of the State in which they reside, the political questions which may possibly arise. They shall, however, enjoy in their persons, in the exercise of their functions, and in the protection it is their duty to afford to their fellow-countrymen in their mercantile affairs, the consideration and privileges granted to the Consuls of other nations, the strictest equality and reciprocity being observed in this respect.

XXI. If the respective Consuls engage in commercial speculations they shall be obliged to submit themselves in such transactions to the same laws, usages, and customs to which the private individuals of their own nation, and the subjects of those other Governments with whom exist Treaties of Friendship, Commerce, and Navigation, may be subjected.

XXII. The 2 Contracting Parties agree that, besides the preceding stipulations, diplomatic agents, citizens of every class, and the ships and merchandise of one of the two States, shall fully enjoy, in the territory of the other, the privileges, prerogatives, and immunities already conceded, or which shall hereafter be conceded, to the most favoured nation; gratuitously, if the concession shall be gratuitous, or by a like compensation or other equivalent, should the concession be conditional.

XXIII. The Republic of New Granada in furtherance of the wish of His Majesty the King of Sardinia, consents to extend all the stipulations of the present Treaty to the sovereign principality of Monaco placed under the protection of His Sardinian Majesty, on condition of reciprocity on the part of the said principality.

XXIV. The present Treaty shall remain in force for 10 years, reckoned from the day on which the exchange of the ratifications shall be effected; but if within 1 year previous to the expiration of the said term, neither of the Contracting Parties shall have officially announced to the other the intention of causing its operation to cease, it shall continue to remain in force for both Parties for one

year after the above-mentioned declaration shall have been made, whatever be the time in which it has taken place.

Whenever one of the Contracting Parties shall think that one or more of the stipulations of the present Treaty have been violated to its prejudice, it must, first of all, lay its complaint before the other party, together with an exposition of the facts necessary to justify it, accompanied by the necessary documents and proofs in support thereof; and in no way shall it authorise acts of reprisal, or declare war, before the reparation demanded shall have been either denied or refused.

The present Treaty shall be approved and ratified by each of the 2 Contracting Parties according to their respective formalities, and the ratifications shall be exchanged in the city of Turin within the space of 18 months.

In faith of which the respective Plenipotentiaries have signed the present Treaty, affixing thereunto their seals.

Done at Turin, in duplicate original, on the 18th August, in the year of the Lord, 1847.

(L.S.) ELADIO URISARRI.

(L.S.) SOLAR DELLA MARGARITA.

ADDITIONAL ARTICLE.—*Differential Duties.*

His Sardinian Majesty considering it advisable, for particular reasons, to levy for the present, on foreign flags, differential duties upon cereals, olive oil, and wines imported from the Black Sea, from the ports of the Adriatic Sea, and from those of the Mediterranean, as far as Cape Trafalgar, notwithstanding Articles IV and IX of the present Treaty, it is specially understood and agreed between the 2 Contracting Parties, that the Republic of New Granada shall be at full liberty to fix equivalent differential duties upon the same articles of the same countries to be paid by the Sardinian flag in case the collection of the aforesaid differential duties should continue to be effected by His Majesty the King of Sardinia at the charge of the Republic of New Granada, beyond the term of 4 years, reckoning from the day of the exchange of the ratifications of the Treaty and the Additional Article. But these equivalent differential duties, of whatsoever kind they may be, upon the said articles of commerce, shall cease to be demanded from the moment when the Government of the Republic of New Granada shall be officially informed of the cessation of the differential duties on the part of His Sardinian Majesty.

The present Additional Article shall have the same force and value as if it had been inserted, word for word, in the Treaty now signed; and it shall be ratified at the same time.

In faith of which we, the Undersigned, in virtue of our full powers,

[1848—49.]

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have signed the present Article, and have affixed thereunto our respective seals.

Done at Turin, in duplicate original, on the 18th of August, 1847.

(L S.) ELADIO URISARRI.

(L.S.) SOLAR DELLA MARGARITA.

TREATY of Commerce and Navigation, between Rome and Sardinia.—Signed at Rome, July 3, 1847.

[Ratifications exchanged at Rome, July 30, 1847.]

(Translation.)

In the name of the Most Holy Trinity.

HIS HOLINESS the reigning High Pontiff, and His Majesty the King of Sardinia, being desirous of establishing between each other every work from which their beloved subjects may expect to derive advantage, have directed their anxious attention to the consolidating, extending, and increasing commercial relations between the 2 States, and in consequence have thought it advisable to enter into a Treaty, by virtue of which not only the interests, as connected with such objects, of their respective subjects may be secured, but that there may also be obtained the equally desirable end of rendering still more intimate those ties of harmony and friendly relations which have always existed between the 2 Governments.

For which purpose they have been pleased to nominate reciprocally as their Plenipotentiaries :

His Holiness, the most Eminent and most Reverend Cardinal Pasquale Gizzi, with the title of S. Pudenziana, Knight Grand Cordon of Orders of Saints Maurice and Lazarus, Grand Cross of the Order of Leopold of Belgium, and Secretary of State of his said Holiness ;

And His Majesty the King of Sardinia : the Marquis Domenico Pareto, Knight of the Order of Saints Maurice and Lazarus, decorated with the Ottoman Order of Merit, Envoy Extraordinary and Minister Plenipotentiary of His Majesty at the Holy See :

Who, after having exchanged their respective full powers, and found the same in good and due form, have agreed upon the following Articles :

ART. I. There shall be between the dominions of the High Contracting Parties free reciprocity of commerce and navigation. Their respective subjects may freely travel, reside, and trade in any part whatsoever of the States belonging to either of the Contracting

Powers, for which purpose they shall enjoy the same security and protection as are enjoyed by the inhabitants of the country in which they reside, upon the condition, however, of their submitting themselves to the laws which are, or shall be, there in force.

Upon no pretence shall the said subjects be compelled to pay any other taxes or imposts than such as are paid, or shall hereafter be paid, by the most favoured nations.

They shall be free from all military service, either by sea or land, from forced loans, and from every extraordinary contribution, provided the same, be not general or established by law.

Their dwellings, warehouses, and all that forms part thereof, and which may belong to them for the purposes of commerce or of residence shall be respected, and shall not be subjected to domiciliary visits or vexatious search; their books, commercial letters, or accounts shall be free from arbitrary examination and inspection; such a step being only allowed to be taken in pursuance of a legal sentence of the competent tribunals.

The High Contracting Parties mutually promise to guarantee, upon all occasions, to the subjects of either of the 2 Powers who shall be residing in the dominions of the other, the preservation of their property and personal security in the same manner as it is guaranteed to their own subjects or to the subjects and citizens of the most favoured nations.

II. All kinds of goods or articles of commerce, being the growth or manufacture of the States of the Holy See, or of any other country, and which may legally be imported, on board of Sardinian vessels, into the ports of the kingdom of Sardinia, may, in like manner, be imported, on board ships belonging to the Pontifical State, without being required to pay any other or higher duties, of any denomination whatever, whether collected in the name and for the benefit of the State, for local authorities, or for any private establishment, than such as are paid by those imported on board Sardinian vessels; the same regulation being reciprocally established with respect to goods imported in Sardinian vessels in the ports of the States of the Holy See.

III. Pontifical vessels, either laden or in ballast, frequenting the ports of the kingdom of Sardinia, and, reciprocally, the vessels of the latter which are either laden or in ballast frequenting the ports of the States of the Holy See, shall be treated, upon their entry into, or clearing out from, the said ports, as well as during the time they remain therein, on the same footing as national vessels, as regards all dues for tonnage, pilotage, harbour, lighthouse, quarantine, dock licence, or duties of any other denomination whatever, which are collected in the name and for the benefit of the State, the local authorities, or any establishment whatsoever.

IV. For the better understanding of the 2 preceding Articles, it is

agreed that the concession therein made shall be the same, whether the vessels of the 2 nations come direct from their own ports respectively or from foreign ports.

V. Every kind of merchandise and article of trade which can be legally exported from the ports of the Pontifical State on board of national vessels may be equally exported on board of Sardinian vessels, without being required to pay other or higher duties, of any denomination whatever, whether collected in the name and for the benefit of the State, the local authorities, or any private establishment, than such as are paid upon being exported on board Pontifical vessels; and the same regulation is reciprocally established in favour of Pontifical vessels exporting goods from the ports of the dominions of His Majesty the King of Sardinia.

VI. In the States of the Holy See, there shall not be imposed upon articles being the growth or manufacture of the kingdom of Sardinia, any other or higher duties than such as are levied upon similar articles coming from other countries; and the same regulation shall be observed in Sardinia with respect to articles being the growth or manufacture of the States of the Holy See. In like manner no obstacles or prohibitions, except such as are applicable to every other nation, shall be opposed to the importation or exportation of any article being the product of the soil or of the manufacture, either of the States of the Holy See or of the kingdom of Sardinia, upon their entrance into, or departure from, the ports of either country.

VII. It remains expressly agreed that the preceding Articles do not in any way apply to the coast navigation or coasting trade of either of the 2 countries; which navigation and trade the High Contracting Parties reserve exclusively to themselves in their respective countries.

VIII. In consequence of the preceding Articles, His Majesty the King of Sardinia declares that all the differential duties of the one-third part of the excise-tax (*immissione*), and which duties were established in his States by the Edict of the 17th of January, 1825, upon brandies, wine, grain, oil, chestnuts, chestnut-flour, wheat, and oats, rice, and pulse (*legumi infranti*), as well as upon oil for exportation, and every other differential duty which, under other regulations, may be imposed, upon articles either imported or exported, in favour of his own flag and to the prejudice of that of the Pontifical State, are and do remain abolished so long as the present Treaty lasts.

And, on its part, the Holy See, in consideration of the renunciation by His Majesty the King of Sardinia of the above-named differential duties in favour of the Pontifical flag, declares that, during the present Treaty, the tax, to which the undermentioned articles are at present subjected, shall be reduced in favour of the Sardinian flag, in the following manner, namely:

Carbonate of lead (white lead) and dry dross of lead, 25 per cent. for every 100 lbs. ; green plants of whatsoever kind, flower seeds, and meadow seeds, and others of the oleaginous kind, 30 per cent. ; and slates or schists of one-third of the present tax for every 100 lbs.

The reciprocity established by this Treaty does not extend to the rewards which may be given by the 2 High Contracting Powers respectively, to their own subjects, for the encouragement of the building of ships of their own flag.

IX. For the purpose of avoiding any mistake respecting the principles upon which the conditions are based that establish the nationality of vessels, it is agreed that such shall be considered as Sardinian ships as shall have been built in the States of His Sardinian Majesty, or which, having been taken from the enemy, either by His Majesty's ships-of-war, or by those of his subjects, furnished with letters of marque, have been regularly condemned as good and lawful prizes, as well as all ships that have been condemned by any competent Court, for having contravened the laws against the Slave Trade, provided that the said vessels be owned, navigated, and registered conformably to the laws of the kingdom of Sardinia, that they are the entire property of one or more Sardinian subjects, and that the captain and the two-thirds of the crew are Sardinian subjects. The same principles shall be observed for establishing the nationality of Pontifical vessels.

X. In case of a vessel belonging to one of the 2 High Contracting Parties being shipwrecked within their respective dominions, not only shall every kind of assistance be rendered to the persons who are shipwrecked, but also the ships, portions of the wreck, rigging, and whatever else forms part of them, the papers found on board, together with such articles and goods as, having been thrown into the sea, shall have been recovered therefrom, shall in nowise be taken or retained, under any pretext whatsoever. The said ships, effects, and goods shall, on the contrary, be kept for, and restored to, their lawful owners, on payment of the expense of salvage and preservation, as well as Custom-House and quarantine duties, and all other duties which, in similar cases, are paid by a national vessel. The above regulation shall apply to the proceeds of the sale of the articles before mentioned, should circumstances require them to be immediately sold.

In the case above-mentioned, the respective Consuls, Vice-Consuls, or Commercial Agents, shall be authorized to interpose and lend their assistance to their fellow-countrymen. In the event, however, of legal claims arising respecting the shipwreck, and the effects and merchandise on board the vessel so wrecked, such claims shall be referred to the decision of the competent tribunals of the country.

XI. Merchants and traders who are the subjects of one country, shall, in the States and ports of the other, participate in all the

advantages of commerce and navigation which are, at present, enjoyed therein by foreigners of any other nation. If, at any future time, one of the 2 High Contracting Parties should grant to another nation any special favour as regards commerce and navigation, that favour shall be immediately extended to the other party, who shall enjoy the same gratuitously, if the concession was so conferred, or upon granting the same compensation or an equivalent one, should the concession have been made conditionally.

XII. The ships of one of the 2 nations which shall be off the coasts belonging to the territories of the other, but without the intention of entering into port, or, having entered it, do not unload either the whole or part of their cargo, shall enjoy the same privileges, advantages, and treatment as the ships of the most favoured nation.

XIII. Pontifical trading vessels compelled to take shelter in any of the ports of the kingdom of Sardinia, as well as those belonging to Sardinia which are under the necessity of running into any of the ports of the Pontifical State, shall be considered and treated, in all respects, as national vessels; provided, however, that they do not engage in any trading operations, that their sole object be that of repairing damages or of escaping from the fury of the tempest, and that, in every respect, the causes which have determined their so running into port are real and patent.

In all that relates to the assigning of berths to the ships, to their loading and unloading in the ports, basins, creeks, gulfs, and rivers of the 2 States, no distinction of any kind shall be made between those of the one and those of the other Power.

XIV. The 2 High Contracting Parties mutually recognise the right of sending and nominating Consuls, Vice-Consuls, or Commercial Agents in the ports of the commercial towns of the respective States, whenever they may consider it advisable.

XV. The Consuls, of whatever class they may be, who are duly nominated by their respective Governments, cannot enter upon the exercise of their functions without being furnished with an *exequatur* from the Government in whose dominions they are about to reside.

XVI. With the view of preventing every cause of disagreement or misunderstanding, and for the purpose of clearly defining the character, functions, attributes, powers and privileges of the Consuls, to whichever class they may belong, both the High Contracting Parties recognise, in conformity with the general principles of the law of nations, that Consuls, to whichever class they may belong, are but mere commercial agents, and consequently have no right, unless specially commissioned (which in such case they must prove) and possessed of the privileges conferred upon Diplomatic Agents by international law, to treat and discuss, with the Government of the State

in which they reside, any political questions that may possibly arise. They shall, however, enjoy in their persons, as well as in the exercise of their functions, and in the protection it is their duty to afford their fellow-countrymen in their mercantile affairs, the consideration and privileges granted to the Consuls of other nations; the strictest equality and reciprocity being observed in this respect.

XVII. If the respective Consuls engage in commercial speculations, they shall be obliged to submit themselves in such transactions to the laws, usages, and customs to which the private individuals of their own nation and the subjects of those other Governments with whom there exist Treaties of Friendship, Commerce, and Navigation may be subjected.

XVIII. It is expressly agreed, that if one of the 2 High Contracting Parties should appoint as its Consul, destined to reside in a commercial port belonging to the other, a subject of the latter, the said Consul, notwithstanding his quality of foreign Agent, shall continue to be considered as the subject or citizen of the nation to which he belongs, and shall, in consequence, be subject to the laws and regulations to which the inhabitants of the place where he resides are subject; it being, however, understood that such obligation does not, in any way, affect his Consular functions and the inviolability of his papers.

XIX. Without prejudice to what has been provided in the preceding Article, both the High Contracting Powers agree to recognise reciprocally in the Consuls, whether subjects or citizens, whom one or other of them may have appointed, all the distinctions which the Government so appointing may have been pleased to confer upon them, due respect being had to the laws in force in both countries.

XX. The said Consuls, Vice-Consuls, and Commercial Agents shall be authorized to require from the local authorities the search for, arrest, and detention of deserters from the ships-of-war and merchant-vessels belonging to their respective nations. For this purpose they will communicate in writing with the tribunals, judges, and the competent officials, handing in a copy of the ship's register and other documents sufficient to prove that the individuals claimed formed part of the crew, in which case the extradition cannot be refused. The said deserters when arrested shall be immediately placed at the disposal of the Consuls, Vice-Consuls, and Commercial Agents, and may be confined in the prisons of the country at the requisition and expense of the party claiming them, in order to their being delivered up to the vessel to which they belong, or sent back to their country on board a ship, which must also be a national one, within the exact period of 3 months, reckoning from the day of their arrest; at the expiration of which period, if they have not been sent to their country they shall be set at liberty; nor can they be imprisoned a

second time for the same cause. But if the deserter or deserters so claimed should have committed any crime, their release shall be suspended until such time as the judge who has tried the case shall have pronounced his sentence and the same has been duly executed.

XXI. Consuls shall have the power of directing the measures necessary to be taken for assisting and saving the vessels belonging to their respective nation which shall have been shipwrecked, or be in danger thereof, without the local authority being allowed to interfere, any further than the proper regulations and the preservation of order requires. Consuls are also empowered to average the losses of the said ships, provided that there be no inhabitants of the country interested therein, or that there be no stipulations to the contrary between the owners, charterers, and insurers of such vessels.

XXII. Although the said Consuls do not exercise any jurisdiction as provided by Article XVI, they can notwithstanding be chosen as arbitrators and friendly referees in such mercantile questions as may arise between individuals of their own nation, or between one of the latter and others of the country in which the Consul resides, it being always understood that the parties interested are willing to submit themselves voluntarily to their decisions.

XXIII. His Holiness, in deference to the wish of His Majesty the King of Sardinia, consents to extending all the stipulations of the present Treaty to the sovereign principality of Monaco, placed under the protection of His Sardinian Majesty, provided always that there be reciprocity on the part of the said principality.

XXIV. The present Treaty shall remain in force for 10 years commencing from the time of the exchange of the ratifications and beyond that term until the expiration of 12 months after one of the Contracting Parties shall have given notice to the other one of their intention to put an end to it, each one of the High Contracting Parties reserving to itself the right of giving a similar notice to the other at the end of the first 9 years; and it is agreed between them, that at the expiration of 12 months after a like notice from one of the High Contracting Parties shall have been received by the other one, the present Treaty, and all the stipulations contained therein, shall cease to be obligatory for both parties.

XXV. The present Treaty shall be approved and ratified by His Holiness the reigning High Pontiff and His Majesty the King of Sardinia, and the ratifications shall be exchanged in Rome within 5 weeks from the date of signature, and sooner, if possible.

In faith of which the above-named Plenipotentiaries have signed the same, and have affixed thereunto the seals of their arms.

Rome, July 3, 1847.

(L.S.) PASQUALE CARDINAL GIZZI.

(L.S.) PARETO.

*POLITICAL CONSTITUTION of the Republic of Costa Rica.**—Signed at San José, November 22, 1848.*

(Translation.)

JOSE MARIA CALTRO, President of Costa Rica, &c.

Inasmuch as the most excellent the Congress of the Republic has decreed and sanctioned the following Constitution :

In the name of God, the Father and Legislator of the Universe.

Whereas experience has shown that several of the provisions granted in 1847 are inconvenient when reduced to practice, and that doubts have arisen from the manner in which they are expressed ; therefore, the Congress, by virtue of the power conferred upon it by the said Constitution in its CLXXXVIIth Article, and at the solicitation of the majority of the municipalities, has proceeded to reform the fundamental law of the 21st of January, 1847, by decreeing the following :

*CONSTITUTION OF THE REPUBLIC.**CHAPTER I.—Of the Republic of Costa Rica.**SECTION 1.—Of the Costa Rica People.*

ART. I. The Republic of Costa Rica is composed of all Costa Ricans united in a national body.

II. The Republic of Costa Rica is sovereign, free, and independent.

SECTION 2.—Of the Costa Ricans.

III. Costa Ricans are such as are so either by birth or naturalization.

IV. Costa Ricans by birth are :

1. All men born within the territory of Costa Rica ;
2. Those born out of the territory of Costa Rica, of Costa Rican fathers, absent on the service of the Republic, or upon their own private business, provided that, in the latter case, they have not become domiciliated in a foreign country.

V. Costa Ricans by naturalization are :

1. Natives of any other country who shall have been domiciliated in Costa Rica at the time it proclaimed its independence in 1821, or erected itself into a Republic in 1848 ;
2. Those who have acquired this right by virtue of any public Treaty ;
3. Women who, not being Costa Ricans, have married, or shall hereafter marry, with a Costa Rican ;
4. Those who have obtained, or shall hereafter obtain, letters of naturalization, conformably to law ;

5. Natives of any country whatsoever of the world, who shall, in the presence of the authority appointed by law, declare their wish to become naturalized.

SECTION 3.—*Of the Duties of Costa Ricans.*

VI. The duties of Costa Ricans are :

1. To live subject to the Constitution, and to obey and respect the constituted authorities ;
2. To contribute towards the public expenses ;
3. To serve and defend the country ;
4. To practise hospitality.

SECTION 4.—*Of the Territory of Costa Rica.*

VII. The limits of the territory of the Republic are those of the *uti possidetis* of 1826.

VIII. The territory of the Republic of Costa Rica shall be divided into provinces. Each province shall be composed of one or more cantons, and each canton shall be divided into parochial districts. The law shall regulate the territorial division, and determine what authorities are to be appointed.

CHAPTER II.—*Of Citizens.*

IX. Citizens are such male Costa Ricans as possess the following qualifications :

1. The having completed the age of 21 years ;
2. Being the owner of landed property in Costa Rica, amounting to the net value of 300 dollars, or possessing an annual income of 150 dollars, and paying the taxes fixed by law ;
3. The being able to read and write ; but this qualification shall only be required from and after the year 1853.

X. The exercise of the right of citizenship is suspended :

1. In the case of those who are under criminal prosecution ;
2. In the case of fraudulent debtors, or of defaulters to the public revenue, against whom it has already been, or may hereafter be, necessary to institute legal proceedings.

3. In the case of those who are suffering under mental alienation ;
4. On account of judicial prohibition.

XI. The rights of citizenship are lost :

1. By having been sentenced by a court of justice to any corporal or degrading punishment, so long as rehabilitation has not been obtained ;
2. By becoming naturalized in a foreign country ;
3. By being guilty of filial ingratitude, and for having deserted wife and children, or for notorious violation of family duties.

CHAPTER III.—*Of the Government.*

XII. The Government of Costa Rica is popular, representative, elective, and responsible.

XIII. The supreme power shall, as regards the administration thereof, be divided into legislative, executive, and judicial.

XIV. It is one of the duties of Government to protect liberty, security, and property.

CHAPTER IV.—*Of the Religion of the Republic.*

XV. The Catholic Apostolic Roman Religion is that of the Republic; it is protected by the Government, which will not contribute funds for the support of any other form of worship.

CHAPTER V.—*Of the Elections.*SECTION 1.—*Of the Nomination of Electors.*

XVI. Every 6 years, that is, in the year in which it is the duty of the canton electors to proceed to the ordinary election of the President and Vice-President of the Republic, and to that of the representatives of the nation, there shall be nominated in each parochial district as many canton electors as are required for the district, in the proportion of 1 for each 1,000 souls of its population; but one elector shall also be nominated for such district, the population of which does not amount to 1,000 souls.

XVII. The nomination of the electors belonging to each parochial district shall be effected by a relative plurality of the votes of the parochial voters of the district, who vote in common for the said nomination; and each voter shall give his suffrage for 2 electors belonging to the district, one in the class of electors properly so called, the other in that of substitutes.

XVIII. The parochial voters for each district consist of the inhabitants of the said district, who shall be in the exercise of the rights of citizenship.

XIX. In each district, the suffrages of the parochial voters shall be received and registered by the authority and with the formalities prescribed by law.

XX. The authority empowered to receive the votes shall proceed to do so as soon as the time appointed by law shall have arrived, and shall summon the parochial voters to the election 8 days beforehand.

XXI. The law shall determine the time within which the said nominations are to be made, the authority who is to make the scrutiny, and all other arrangements necessary for duly effecting the said nomination.

SECTION 2.—*Of the Electors.*

XXII. The requisite qualifications for an elector are :

1. To be a Costa-Rican in the exercise of the rights of citizenship ;
2. To have completed 25 years of age ;
3. To be able to read and write ;
4. To be an inhabitant of the province in which he is nominated ;
5. To be the father of a family or the head of a house ;
6. To have a property free from all incumbrances, amounting to 1,000 dollars in freehold land.

XXIII. Neither the President, the Vice-President of the Republic, nor the Ministers of State can become electors.

XXIV. The office of elector shall last 6 years.

SECTION 3.—*Of the Canton Elections.*

XXV. The Electoral Assembly of the canton shall be composed of the electors nominated in the parochial districts.

XXVI. The duties of the canton Electoral Assemblies are :

1. To vote, in the person of each individual elector for the elections of President and Vice-President of the Republic ;
2. To elect the representatives who are to be nominated in the province, in the ratio of 1 for every 8,000 souls, and 1 substitute in addition, and also 1 for every remainder of $\frac{1}{3}$ rd at least ;
3. To elect the members of the corporations of the capitals of provinces, the jurymen to serve on trials connected with the press (*los jurados de imprenta*), and such others as are prescribed by the law.

XXVII. The voting for the election of President and Vice-President of the Republic shall be effected by each elector giving his suffrage in the Electoral Hall, by means of a slip of paper, on which is written the name of the individual for whom the party votes, the said balloting paper to be signed by the voter. The same method shall be practised in the election for Representatives.

XXVIII. The registers of the voters for the President and Vice-President shall be forwarded to the Congress, and those of the votes for Representatives to the authority appointed by law.

XXIX. The law shall fix the time when the elections are to take place, as well as whatever is necessary for their due regulation.

SECTION 4.—*Of the Arrangements common to all Elections.*

XXX. The elections shall be public, and no one shall appear there in arms.

XXXI. Whatever is done at the elections in contravention of what is prescribed by this Constitution or by the law, is null and illegal.

SECTION 5.—*Of the Scrutiny of the Votes for Representatives.*

XXXII. The law shall appoint the authority by whom the voting is to be regulated, and by whom those who have obtained the majority of votes shall be declared elected, whether as actual Representatives or as substitutes.

CHAPTER VI.—*Of the Legislative Power.***SECTION 1.—*Of the Organization of the Legislative Power.***

XXXIII. The Congress, composed of 1 Chamber, presided over by the Vice-President of the Republic, exercises the legislative power.

XXXIV. The Congress shall be composed of Representatives chosen by the towns, conformably to what is provided in Article XXVI, paragraph 2.

XXXV. The Congress shall assemble every year on the 1st day of May, even if it should not have been convoked, and its sessions shall last 60 days, and, when necessary, may be prorogued to 90.

XXXVI. The Congress shall also assemble on extraordinary occasions, when convoked by the Executive Power, but it can only occupy itself with the matters submitted by the latter for its consideration.

SECTION 2.—*Of the Representatives.*

XXXVII. The qualifications for Representatives are :

1. The being a Costa-Rican, either by birth or naturalization ;
2. The having completed 25 years of age ;
3. The being in the exercise of the rights of citizenship ;
4. The being possessed of landed property amounting in value to 3,000 dollars, and of which the party must have been the owner 1 year before his nomination ; or the being professor of some science.

XXXVIII. The Representatives shall remain in office for 6 years, and they shall be renewed, in the proportion of one-half every 3 years ; the members who are to retire in the first instance, shall be determined by lot, after which the oldest among those remaining in office shall be replaced.

SECTION 3.—*Of the Congress.*

XXXIX. The President of the Republic shall open the sessions of the Congress on the pre-appointed day, and shall deliver a speech explanatory of the state of public affairs.

XL. That the sessions may be opened and the legislative labours be continued there must be present two-thirds, at least, of the total number of Representatives.

XLI. The Chamber of Representatives shall be located in the capital.

XLII. The sessions shall be public, except in the case of there being reasons for discussing any business with closed doors (*en session secreta*), or of one of the Ministers of State requesting it in the name of the Executive Power.

XLIII. The Chamber possesses the right to determine upon such rules and regulations as may be requisite for its due government and internal management.

XLIV. In conformity with the laws and regulations introduced, the Chamber can correct such of its members as infringe them, having previously established the penalties to be incurred by such violation.

XLV. It can also suspend such of its members as seriously fail in the respect which is due to the Chamber ; but for this purpose it is necessary that the decision should be come to by two-thirds of the members who are present at the sessions, and also that an interval of 48 hours shall have elapsed between the commission of the offence and the decision thereon.

XLVI. It belongs to the Chamber to decide upon whatever relates to the election of its members and to the resignations tendered by the latter.

XLVII. The vacancies which occur in the Chamber shall be filled up by the respective substitutes ; and in case of failure on the part of the latter, new elections shall be had recourse to.

XLVIII. The Representatives are invested with this character on behalf of the nation, and not on account of the province in which they are nominated ; they shall not, therefore, receive orders either from the towns, assemblies, or any person whomsoever.

XLIX. The Representatives are not responsible either for the opinions they may deliver or the votes which they may give in the Congress.

L. The Representatives shall not during the sessions be proceeded against or distrained in civil process. Neither shall they in that interim be arrested for alleged crimes, except they have been previously suspended by the Chamber, and given up to the competent judge or tribunal ; unless, indeed, they have been taken in the open commission of an offence which incurs corporal or degrading punishment, or previously to the above-mentioned interim shall have been sentenced to imprisonment and incarcerated accordingly.

LI. The offices of President and Vice-President of the Republic, as well as those of Minister of State and of Minister of the Supreme Court, are incompatible with that of Representatives.

LII. No persons can be nominated Representatives in a province, who, at the time the election is being made therein are in the exer-

cise of any authority or jurisdiction which extends over the whole territory of the said province.

SECTION 4.—*Of the Powers of the Congress.*

LIII. The following are the powers belonging exclusively to the Congress :

1. To conduct the scrutiny of votes, and, when the case occurs, to carry out the elections of the President and Vice-President of the Republic, to receive from them the constitutional oath, to accept or refuse their resignations, and to hear the accusations which may be brought against them ;
2. To appoint the Ministers of the Supreme Court ;
3. To accept or refuse the resignations which the latter may tender of their offices ;
4. To impose taxes and national contributions ;
5. To decree the alienation or appropriation to public purposes of the national property ;
6. To authorize loans and other contracts whenever the public interests so require ;
7. To mortgage, or allow to be mortgaged, the national domains and revenues for the payment of the above-mentioned loans ;
8. To examine, every year, the accounts of the expenditure, by the Executive Power, of the public revenues ;
9. To approve the Treaties or Conventions entered into by the Executive Power, with any other Government or nation ;
10. To permit or refuse the transit of foreign troops through the territory of the Republic, or the anchoring of foreign ships of war in its ports and harbours ;
11. To authorize the Executive Power, when it applies for permission, to declare war against any nation, and to require the same to enter into negotiations for peace ;
12. To grant rewards and recompenses for great services rendered to the country, and to decree public honours to the memory of distinguished men ;
13. To grant amnesties or general pardons ;
14. To determine the alloy, weight, stamp, form, and denomination of the legal currency ;
15. To grant exclusive privileges for undertakings serviceable to the nation ;
16. To establish tribunals, courts of justice, and the other offices and employments necessary for the public service ;
17. To make the laws and decrees required by the different branches of the public administration ; to interpret the same ; and to reform or abrogate existing regulations and legislative acts, of whatever kind.

SECTION 5.—*Of the Formation of the Laws.*

LIV. The laws and other legislative acts may originate in the Congress, on the motion of its members, or on that of the Ministers of State.

LV. No Bill (*proyecto de lei*) or project of any other legislative act, can be passed, without having previously undergone 3 different discussions, each one, on a distinct day, unless the Chamber should declare the matter to be an urgent one, in which case there shall be one discussion only in each session.

LVI. No Bill or project of any other legislative act, although it be approved by the Congress, shall have the force of law, without the sanction of the Executive Power; should the latter consider it proper to give its assent, it shall do so, ordering, at the same time, the law to be carried into execution; but if the Executive Power refuse its assent, it shall return the Bill to the Congress, accompanied by such objections and observations as it may have to make to it.

LVII. The Executive Power may object to any Bill or project of any other legislative act, whether on account of considering it objectionable altogether, or because it thinks that some alterations are required to be made therein.

LVIII. Upon a Bill objected to in its entirety being received back by the Congress, the same shall be taken into consideration; and if the objections be declared to be well-founded, the Bill shall not be proceeded with, but shall be placed in the archives; if however they be declared unfounded, the progress of the Bill shall remain suspended until the next meeting of the Congress.

LIX. Should the objections of the Executive Power be restricted to proposing some amendments in the Bill, and the Congress consider them as unadvisable, in that case also the progress of the Bill shall remain suspended until a definitive decision be given in the next meeting of the Congress; but if the Chamber accede to the amendments proposed by the Executive, the Bill shall then be sent up to the latter, who, under these circumstances, cannot refuse its assent.

LX. The Congress, at its next meeting, shall again take into consideration the objections of the Executive; and should it once more, by the vote of three-fourths of the totality of its members, declare all of them to be unfounded, the Bill shall be sent up to the Executive to receive its sanction, which can no longer be refused.

LXI. Bills or projects of any other legislative acts which are sent up to the Executive for its sanction shall be so sent in duplicate, both copies being signed by the President and the Secretaries of the Chamber; these projects shall be either sanctioned or objected to, and returned to the Chamber within 8 days after they have been received; which term having expired, the Bills that have not beer

returned shall have the force of law, and the Executive must sanction them, and cause them to be published and executed. One of the 2 copies of each Bill must be returned with either the sanction or the observations of the Executive, and the other shall be placed in the archives of the respective Ministry.

LXII. The intervention of the Executive Power is necessary in all the resolutions and acts of the Congress, except the following :

1. Those which relate to the elections to be made and the resignations which are either to be accepted or declined ;

2. The resolutions which relate to the prorogation of the ordinary sessions to 90 days ;

3. The regulations agreed to by the Congress for its internal government and direction.

SECTION 6.—*Of the permanent Committee of the Congress.*

LXIII. During the recesses of the Congress there shall be a permanent committee, composed of 4 Representatives, elected by the Legislative Power, and of the Vice-President of the Republic, who shall be the President of the said committee.

LXIV. The duties of the permanent committee are :

1. To prepare all the Bills and projects of decrees suggested by experience, for the purpose of laying them before the Chamber at the commencement of its ordinary sessions ;

2. To point out the reforms necessary to be introduced into different laws and decrees, as well as the laws which ought to be abrogated ;

3. To interpret laws and decrees at the instance of the Executive Power, or of the tribunals of justice ;

4. To offer suggestions to the Executive Power whenever the latter is desirous of consulting them ;

5. To inform the Congress upon the subject of such Bills and projects of decrees as, having been before thrown out, are again brought in ;

6. To accept or refuse the resignations of jurymen (*jurados*) ;

7. To codify the laws and legislative decrees in the form and manner prescribed by the law ;

8. To introduce into its own body such regulations as may be necessary for its internal government.

CHAPTER VII.

SECTION 1.—*Of the President and Vice-President of the Republic.*

LXV. There shall be in Costa Rica a President of the Republic, who shall be its first chief, and a Vice-President, who shall be its second one.

LXVI. The President and Vice-President of the Republic shall both remain in office 6 years, and are re-eligible at the option of the people.

LXVII. The requisite qualifications for being a President or Vice-President, are :

1. To be a native-born Costa Rican, in the exercise of the rights of citizenship;
2. To have completed 30 years of age ;
3. To possess a capital, in real property, of not less than 10,000 dollars ;
4. To be, or to have been, married.

LXVIII. The election of the President and Vice-President of the Republic shall be made by the canton electors.

LXIX. The Congress shall, in public session, scrutinize or regulate the votes of the electors, and shall declare as elected to fill the offices of President and Vice-President of the Republic those who have obtained the absolute plurality of votes. When no such plurality of votes has been obtained, the Congress shall complete the election, by choosing (also by plurality) from among the 3 persons who have obtained the greater number of votes for each of the chief magistrateships, or from among those who have acquired an equal number of the maximum of electors, the individuals who are to be President and Vice-President of the Republic, and shall declare them as elected in due form.

LXX. The President and Vice-President of the Republic shall, on entering office, take the constitutional oath, in the presence of the Congress, but should the latter have closed its sessions, in that of the permanent commission.

LXXI. The 6 years' duration of the offices of President and Vice-President of the Republic, are to be reckoned from the day of their entering upon them ; and upon that term being completed, the functions of the said magistrates cease *ipso facto*,

LXXII. When by death, resignation, or other cause, the office of President or that of Vice-President of the Republic becomes vacant, there shall be made, in the cases determined by the law, an extraordinary election for the purpose of filling up the vacancy, and the party elected shall remain in office the whole of the time which may be necessary to complete the constitutional period.

LXXIII. The law shall assign the salaries and emoluments to be enjoyed by the President and Vice-President of the Republic.

SECTION 2.—*Of those called to exercise the Executive Power.*

LXXIV. The exercise of the Executive Power belongs to the President of the Republic.

LXXV. In the cases of death, resignation, or any other failure, either temporary, accidental, or permanent on the part of the President, the Vice-President of the Republic shall exercise the Executive Power, and if, from the same causes, he should also fail, it shall be exercised by the Vice-President of the Congress, and in the event of his failure or incompetency, by the deputy whom that body shall select to fill his place.

LXXVI. The President and Vice-President of the Republic can neither of them quit the territory of Costa Rica during their continuance in office.

SECTION 3.—*Of the Duties of the Executive Power.*

LXXVII. The duties of the Executive Power are :

1. To preserve the order and tranquillity of the Republic, repel all external attacks, and suppress every disturbance of social order in the interior ;

2. To fulfil and execute, and cause to be fulfilled and carried out, the constitution and the laws ;

3. To suspend, with the consent of the permanent commission, the completion of any law or decree, the executing of which might be productive of serious injuries to the Republic ;

4. To see that the other public employés, although they may not be immediately subordinate to them, fulfil and execute the laws ; and, with this object, to require from the said employés, or to direct the competent authorities so to require from them, the proper responsibilities ;

5. To assemble and organize the land and sea forces necessary for repelling any foreign invasion, or for suppressing any disturbance of public order ;

6. To command the army, in person, when it is considered necessary, entrusting, in such case, the Executive Power to the person provided by the law ;

7. To appoint and remove, at will, the Ministers of State, and all the other employés of the executive branch ;

8. To carry on diplomatic negotiations, enter into Treaties with other Governments and ratify them, having previously obtained the approval of the Congress ;

9. To declare war against another nation, with the authorization of the Congress ;

10. To dispose of the public revenue, in conformity with the laws ;

11. To appoint, of its own accord, the commanders and other officers of the army and navy ;

12. To nominate to public employments of any description, provided such nomination be not reserved by law for some other authority ;

13. To grant retiring pensions to the generals, commanders, and

other officers of the army and navy, and to accept or refuse the resignations offered by them of their commissions ;

14. To grant, when considered necessary, letters of marque, against any nation against whom war has been declared ;

15. To issue sailing licences ;

16. To commute the pain of death for a less severe punishment in favour of condemned culprits, when required by motives of public convenience ;

17. To grant special pardons ;

18. To exercise the right of presenting to vacant ecclesiastical benefices, conformably to law ;

19. To convoke an extraordinary meeting of the Congress, when rendered necessary by important reasons ;

20. To create the establishments and corporate bodies which tend to the welfare and prosperity of the Republic, and to decree the statutes necessary for the same ;

21. To adopt, upon its own responsibility, all the measures it may deem necessary for defending the country against every foreign aggression or internal commotion with which it may be threatened, rendering afterwards to Congress a clear and definite account of the use it has made of such power ; and

22. To provide for itself the regulations necessary for the internal regulation of its affairs.

SECTION 4.—*Of the responsibility of those who exercise the Executive Power.*

LXXVIII. The person who exercises the Executive Power is responsible :

1. When he favours the interests or operations of any nation which is the enemy of Costa Rica ;

2. When he violates the constitution, and upon being remonstrated with, persists in such violation.

SECTION 5.—*Of the Ministers of State.*

LXXIX. For the dispatch of the business devolving upon the Executive Power, Ministers of State, as determined by the law, shall be attached to it.

LXXX. Each one of these Secretaryships shall be under the direction of a Minister of State, but the Executive Power may commit 2 of them to one single Minister.

LXXXI. To be a Minister of State it is requisite :

1. To be a Costa Rican in the exercise of the rights of citizenship ;

2. To be married, or the head of a family ;

3. To possess a capital in landed property of not less than 3,000 dollars, or to be the professor of some science ; and

4. To be 30 years of age.

LXXXII. All the acts of the Executive Power shall be subscribed or communicated by one of the before-mentioned Ministers, without which requisite formality they shall not be obeyed.

LXXXIII. From what is provided in the preceding Article is excepted the appointment or the removal of the said Ministers, which can be effected only by the person invested with the Executive Power, without the intervention of any Minister.

LXXXIV. The Ministers of State are responsible for the Acts signed by them, and which are contrary to the Constitution and the laws; on which account it is their duty to give their advice to the person invested with the Executive Power, in all matters which concern their particular Ministry.

LXXXV. The Ministers of State shall, with the consent of the Executive Power, give to the Congress all the information and particulars it may demand of them, touching the matters connected with their respective Ministries, except on such matters as require secrecy, and so long as is thought necessary by the Executive Power.

LXXXVI. Each Minister of State shall present to the Congress within the first 8 days of its ordinary sessions, a written report upon the actual state of the affairs entrusted to his Ministry, and suggesting what Congress should do for their improvement.

LXXXVII. The Ministers of State shall lay before the Congress the Bills and projects of other legislative Acts granted by the Executive Power, and shall take part in the discussion upon the said Bills as well as in that upon any others whatsoever, but they shall not have a deliberating vote.

CHAPTER VIII.—*Of the Judicial Power.*

SECTION 1.—*Of the Supreme Court of Justice.*

LXXXVIII. The judicial power is exercised by the Supreme Court of Justice and by the other tribunals or courts by law established.

LXXXIX. There shall be in the Republic a Supreme Court of Justice composed of the number of Minister Judges determined by law.

XC. The duties of the Supreme Court of Justice, are :

1. To take cognizance of all litigious matters in which are concerned the foreign diplomatic Agents accredited to the Government of the Republic, in the cases permitted by the public law of nations, and by existing Treaties ;

2. To take cognizance of actions for responsibility brought against the diplomatic Agents and Consuls of the Republic for the inefficient discharge of their duties ;

3. To take cognizance of actions brought against the persons invested with the Executive Power and the Ministers of the Supreme Court for ordinary crimes, after they have been tried by the Congress and deprived of their employments ; and,

4. To take cognizance of all other actions referred to it by law.

XCI. The Minister Judges of the Supreme Court shall be nominated by the Congress by an absolute plurality of votes, and the vacancies which may occur shall be filled up *ad interim*, in the manner provided by law.

SECTION 2.—*Arrangements connected with the Supreme Court.*

XCII. In order to be a Minister Judge of the Supreme Court it is required :

1. To be a Costa Rican, in the exercise of the rights of citizenship ;

2. To be married, or the head of a family ;

3. To have completed the age of 30 years ;

4. To possess a capital of his own, in landed property, which shall not be less than 3,000 dollars ;

5. To possess all the other qualifications required by the law.

XCIII. The law shall determine the duration in office of the Minister Judges of the Supreme Court, which duration shall not be less than 6 years.

XCIV. The tribunal intended to enforce the responsibility of the Minister Judges of the Supreme Court of Justice, the actions for responsibility, and the mode of forming the said tribunal, shall be objects of a particular law.

SECTION 3.—*Of the other Tribunals and Courts of Justice.*

XCV. The law shall create the other tribunals and courts of justice which may be necessary for the administration of justice, and shall define the powers belonging to them, and the qualifications to be possessed by those composing them, the authority by whom they are to be appointed, and the duration of their office.

SECTION 4.—*Arrangements common to all the Ministers and Courts of Justice.*

XCVI. The Ministers and Judges of whatsoever tribunals and courts of justice cannot be suspended from their offices except in consequence of an accusation legally brought forward and sent for trial, nor dismissed, except by a judicial sentence in accordance with the laws.

CHAPTER IX.—*Of the Political Government of the Provinces, Cantons, and Parochial Districts.*

XCVII. In each province there shall be a Governor, appointed at the pleasure of the Executive Power, and removable by the same.

XCVIII. The Governors are the immediate agents of the Executive Power, and, as such, are bound to fulfil and cause to be fulfilled the orders thereof.

XCIX. The said Governors, in the exercise of their duties, are responsible to the Supreme Court of Justice for any abuses of authority and infractions of the laws.

C. The law shall determine the qualifications which are required in order to become a Governor, as well as the time he is to remain in office.

CHAPTER X.—*Of the Municipal Government.*

CI. There shall be in the capital of each province, and in the principal towns of cantons, municipal bodies, whose organization, functions, and responsibility shall be particularized and set forth in the ordinances of such corporations. An express law shall regulate the political and judicial government of the sea-ports, taking duly into consideration their retrospective circumstances.

CHAPTER XI.—*Of the Responsibility of the Public Employés.*

CII. All the public employés are responsible to the authorities designated in the Constitution or in the law, for any abuse of the powers they are invested with, or for failure in the proper discharge of the duties of their office.

CIII. The persons charged with the Executive Power, the Ministers of State and the Ministers Judges of the Supreme Court of Justice, are responsible to the Congress only, which shall decide by the unanimous vote of two-thirds of the Representatives, whether or not the accusation is admissible; and in case of its being so, the accused remains suspended.

CIV. Upon an accusation being admitted, the Congress shall, of itself, institute the proceedings at law, by means of a commission from out of its own body; and shall pronounce the sentence in public session, which sentence shall be restricted to depriving the accused of his office. Two-thirds of the votes present are necessary for the pronouncing of the sentence.

CV. Parties condemned by the Congress may be amenable to the judgment and sentence of the competent tribunal, if the offences of which they are accused are defined by the law, and are such as are visited with a severer kind of punishment.

CVI. The law shall regulate the mode of conducting the trials

which are proceeded with at the instance of the Congress as well as the formalities to be observed therein.

CHAPTER XII.—*Various Arrangements.*

CVII. No Costa Rican shall be put upon trial except before the competent tribunals and courts of justice established by this Constitution or by the law; nor condemned without being heard and convicted; nor can he be subjected to any other punishment than such as has been provided by law previously to the commission of the crime.

CVIII. No Costa Rican can be arrested or sent to prison, except by the authority appointed by law, and in the cases, and in the manner provided by the same.

CIX. No Costa Rican is obliged to give evidence in any criminal suit, either against himself, his wife, immediate relatives, or brothers, whether in blood or affinity.

CX. No crime shall be punishable by confiscation; but this does not include the seizures and fines imposed by the law.

CXI. The penalty of death shall be applicable in the following cases only:

1. In that of premeditated and undoubted murder;
2. For an attempt against public order, the committing of which has been the cause of the death of one or more individuals; but in this case the ringleaders and principal offenders in the disturbance can alone be subjected to that penalty.

CXII. With the exception of the taxes established by law, no Costa Rican shall be deprived of his property without his free consent; unless public necessity, recognised as such by the law shall require it, and previous indemnification, as adjudged by competent persons, be made.

CXIII. All Costa Ricans have the right to publish their thoughts by means of the press, without the necessity of any previous censorship; but the articles must bear the signature of the parties, who shall remain liable to the responsibility and penalties provided by law for the abuses of such right, which abuses are to be proved as such by the juror or jurors established by the law for that purpose.

CXIV. All Costa Ricans have the power of claiming their rights at the hands of the public authority, provided this be done with proper respect, and in a temperate manner; but no individual or particular association can so act in the name of the people, or arrogate such a power to themselves. Those who contravene this regulation shall be tried conformably to the laws.

CXV. No house can be entered by force, nor searched, nor can any papers or private correspondence be intercepted or examined unless by the authority and in the cases prescribed by law.

CXVI. The settlement of entailed estates is forbidden; nor shall there be in Costa Rica any inalienable landed property.

CXVII. All Costa Ricans shall be equal in the eye of the law.

CHAPTER XIII.—*Of the Constitutional Oath.*

CXVIII. No public employé shall enter upon his office without taking an oath "to defend and maintain the Constitution of the Republic, and to fulfil faithfully and exactly the duties of their employment."

CHAPTER XIV.—*Of the Reform of the Constitution.*

CXIX. This Constitution can be reformed by the Congress at any time, upon the demand being made by a majority of the Representatives present at the session, and upon the decree of three-fourths of the said Representatives.

CXX. Before being approved by the Chamber, the Articles reformed or added must undergo 3 different discussions, each one of them upon a separate day; and they shall be considered as law upon receiving the sanction of the Executive Power; but if the latter should make objections, the Congress shall take them into consideration; if they are regarded as valid, then the Bill must be deposited in the archives; and if they are not considered as well-founded by three-fourths of the Representatives, recourse must then be had to what has been provided in Articles LVIII, LIX, and LX.

CXXI. The present reforms being presented and approved, are *ipso facto* sanctioned; and the Executive Power will cause the same to be printed, circulated, and published throughout the Republic.

CXXII. The Constitution decreed on the 21st of January, 1847, is reformed, and all laws and regulations opposed to the present one are hereby repealed and annulled.

Given in the city of San José, on the 22nd day of November, 1848.

MANUEL JOSE CARAZO, *President.*

NAZARIO TOLEDO,
SANTIAGO FERNANDEZ, } *Secretaries.*

[Signed by 8 Deputies.]

Therefore I order that it be fulfilled in all its parts, and that for this purpose it be printed, published, and sworn to in all the towns of the Republic.

San José, November 30, 1848.

JOSE MARIA CASTRO.

JOAQUIN BERNARDO CALVO, *Minister of State and
Secretary of Foreign and Home Affairs.*

JUAN DE DIOS ZESPEDES, *Chief of Section entrusted,
ad interim, with the Ministry of Finance and War.*

TREATY of Friendship and Commerce, between Peru and Bolivia.—Signed at Lima, December 11, 1848.

(Translation.)

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In the name of God.

THE Governments of Peru and Bolivia being desirous of exchanging and carrying into effect the Treaty of Friendship and Commerce concluded at Arequipa, on the 3rd November, 1847,* by the Ministers Plenipotentiary; that is to say:—D. Domingo Elias, on the part of Peru, and D. Miguel Maria Aguirre, on the part of Bolivia; and it not being possible to execute the same without making therein the modifications and suppressions proposed by the Peruvian Government and Congress, and to which the Bolivian Government and Congress have given their consent; the said Governments have agreed to proceed to the drawing up of a new Treaty, together with its stipulations, which shall contain the same Articles as those of the Treaty of Arequipa, with the modifications and suppressions approved of by the legislative bodies of both Republics.

With this intention, the Government of Peru has authorized Señor Don Cipriano C. Zegarra, its Chargé d'Affaires at that of Bolivia, and the latter, Señor D. D. Casimiro Olañeta, Minister for Foreign Affairs, who, after having presented their respective full powers, and found the same in good and due form, have proceeded to copy and reconstruct the Articles of the Treaty of Arequipa, in the following terms:

ART. I. There shall be re-established between the Republics of Peru and Bolivia the same harmony and friendship which formerly existed, the 2 Governments burying in profound oblivion, as an homage to the peace so much needed by both States, and in consideration of the explanations and reparations they have mutually given through the medium of their respective Ministers Plenipotentiary, every cause of complaint or of offence which the one or the other, or each one in its turn, considered it had a right to bring forward.

II. The question propounded by the Government of Peru as to the duty of Bolivia to take upon itself some portion of the expenses which the Peruvian Government incurred in the campaigns of 1823 and 1824, with the object of achieving the general independence, having remained pending since the year 1825, and Bolivia having refused to comply with that demand, alleging that, in its turn, it had been at an enormous expense for the support of the armies of independence which fought in Huaqui, Vilcapuquio, and Viloma, as well as for the support of the Peruvian army which in 1823 occupied, by the orders of General Santa Cruz, the departments of La Paz, Oruro, and

Cochabamba, both the Contracting Parties now agree to refer the matter in dispute to arbitration, the umpire in this case to be one of the Governments either of New Granada or of Venezuela. Both parties to employ their best efforts to prevail upon one of the said Governments to undertake this office for the peace of the 2 Contracting Republics.

III. A commission shall be appointed by both Governments charged with constructing a topographical map of their frontiers, for the purpose of restoring to either State the lands which have become intermingled with the actual frontiers, re-establishing their ancient landmarks with the view of avoiding doubts and confusion in future, both States engaging to preserve the territory which has always belonged to them, and not to demand or solicit any territory from the other either by way of transfer, compensation, or any other reason whatsoever.

IV. As each of the Contracting Governments can, under favour of the peace about to be established, freely devote itself to introducing the internal regulations required for the welfare and prosperity of its respective Republic, so both Governments engage not to put into circulation, after the exchange of the ratifications of this Treaty, any light coin (*feble*), or such the standard of which does not amount to 10 dineros, 20 granos.

V. Neither of the Governments of Peru and Bolivia shall permit those who, on account of their political opinions, or of the acts resulting from them, have found an asylum in their territory, to attack the public security of the country to which they belong, by giving encouragement to seditious movements from the place where they reside; in such case the Government who shall discover such machinations, shall require, supporting such requisition with the necessary vouchers, that the parties offending be removed from their frontiers to some place chosen by them in the interior of the Republic where they have taken refuge, but which must not be at a less distance than that of 80 leagues from the said frontiers.

VI. Neither of the 2 Contracting Parties shall give an asylum in its territory to notorious robbers, blood-thirsty assassins, incendiaries, and coiners. Criminals of this description, who shall seek such refuge, shall be given up to the country in which the crime was perpetrated, upon being claimed by the Minister of Foreign Affairs, such requisition being accompanied by an authenticated proof of the definitive sentence pronounced against the party.

VII. Deserters from Peru to Bolivia, and from Bolivia to Peru shall be protected; but each State shall return the arms, horses, and equipments which such deserters brought with them, and the said arms, &c., must be delivered up to the first magistrate of the frontier of the State to which the parties belong.

VIII. Neither of the 2 States shall employ in the service of its flag the deserters mentioned in the preceding Article.

IX. Individuals belonging to the Peruvian army who have enrolled themselves in that of Bolivia, and Bolivians who, in like manner, have entered the Peruvian service, may be restored to their country, as soon as they legally express their wish to be so.

X. Foreign merchandise, imported through the port of Arica for consumption in Bolivia, shall not pay any transit duty in Peru, and shall be only liable to the port dues, namely, those of anchorage, wharfage, lighthouse, and warehousing.

XI. Neither shall any transit duty be paid in the above-mentioned port of Arica, on account of any production of Bolivian industry which is to be exported beyond seas; the port duties, however, excepted, which must be paid as agreed upon in the foregoing Article.

XII. As a compensation for the concessions granted by Peru to the Bolivian trade, as stipulated in the 2 preceding Articles, Bolivia, in its turn, concedes: 1. That the horses, mules, asses, and cattle, coming from another Republic, as well as whatsoever other articles of merchandise proceed from the like origin, which pass through its territory for consumption in Peru, shall pay no transit duty whatever except the toll already established, or which shall hereafter be imposed upon bridges or roads, and which shall be paid in the same form and proportion as it is paid by Bolivians. 2. That foreign spirits introduced through the aforesaid port of Arica for consumption in Bolivia shall be liable, on their introduction, to the payment of the duties at present imposed, or which may hereafter be imposed, by the regulations of the Peruvian Republic, upon the same spirits when sent for consumption in that State. 3. That the duties upon cotton and woollen goods, which enter through Arica and pass into Bolivia, shall not exceed, as regards those paid in the port of Cobija, 15 per cent.

XIII. Bolivia also concedes that the products of Peruvian industry which enter its territory across the land frontiers, shall pay no duty whatever of consumption, be their denomination what it may. Toll dues must, however, be excepted, which must be paid in the same manner as they are paid by Bolivians.

XIV. The stipulation in the preceding Article as regards Peruvian products which enter Bolivia over the land frontiers, is reciprocal in all and each of its parts for Bolivian products introduced into Peru for consumption in that Republic.

XV. Peruvians passing through or resident in Bolivia, shall enjoy the same civil rights as the Constitution and laws of the Republic grant to Bolivians. In like manner, Bolivians passing through or resident in Peru, shall enjoy the same civil rights as the Constitution and its accessory laws grant to Peruvians.

XVI. No Peruvian passing through or resident in Bolivia shall be compelled to serve in the National Guard or in the standing army; nor shall he be required to pay the extraordinary contributions imposed upon the natives; nor shall his cattle be put in requisition for any public service. These stipulations are reciprocal, in all and each of their parts in Peru, for Bolivians passing through or resident in its territory.

XVII. The Peruvian Government shall maintain a Consulate in La Paz, together with an agency in Oruro, under the direction of a Consul or Vice-Consul, for the purpose of superintending the fulfilment of the commercial stipulations contained in this Treaty. That of Bolivia shall have a like establishment in Tacna, and a Consul or Vice-Consul in Arica, for the same purpose. These Consular Agents shall enjoy in the country in which they exercise their functions, all the immunities and exemptions which are granted to functionaries of equal rank accredited to it by the most favoured nation.

XVIII. The permits (*guias*) issued by the Custom-House of Arica for Bolivia shall be *viséd* by the Bolivian Consul resident in Arica; and the return-permits (*tornaguías*) delivered by the Custom Houses of La Paz and Oruro shall, in like manner, be *viséd* by the respective Peruvian Consular Agent. Packages leaving Arica for Bolivia must be carefully sent through Tacna to Palca, and thence by the road through Tacora to Santiago de Machaca, if they proceed to Paz; and in case they should be sent through Oruro, they shall proceed from Tacora to Cosapilla and Pichaguas; for if they should be sent by a different one they would be liable to be seized, the said seizure being executed in conformity with the laws of the country in whose territory it has been made. The other precautions which may be necessary for avoiding the smuggling so prejudicial to each one, or to both of the Contracting Parties, shall be arranged by separate Conventions.

XIX. For the protection and development of the reciprocal industry of the 2 nations, both agree to establish, each within its own territory, and at the latest within 2 years after the ratifications and exchange thereof of the present Treaty, a line of posts, with regular buildings, provided with the necessary aids for refreshment and locomotion; the Contracting Parties, moreover, agree to establish between Tacna and La Paz a weekly mail for the purpose of facilitating commercial communications.

XX. Respectable and wealthy persons, travelling from Peru to Bolivia and from Bolivia to Peru, shall pay 2 dollars as the whole passport duty.

XXI. Muleteers and their helpers, mechanics and other persons of the working class, shall pay only 2 reals for passport duty.

XXII. Indigenous natives of Peru and Bolivia who contribute to the taxes, are exempted from all passport duty.

XXIII. The violation of this Treaty by one or more individuals cannot alter it; but the infractors shall be liable to prosecution and the punishment provided by the law, the Government, as soon as the offence has been proved, withdrawing its protection from the delinquent; if, unfortunately, an infraction of one or more articles should be committed by one of the 2 Governments, explanation and reparation shall be amicably and privately applied for, without proceeding to any public declaration or other hostile measures, or considering the Treaty as broken in consequence of such act. If no friendly arrangement should be effected, recourse to arms must not be had on that account, except when satisfaction for the wrong done is denied, and the infraction persisted in.

XXIV. If, after employing all amicable means, no reconciliation should take place, but both Republics should become involved in a war, even in this case, it shall be established that the citizens of the one passing through, or resident in, the territory of the other, shall not be obliged to quit the country, except for the reasons and in the manner provided by the laws for the citizens of the Republic itself in which they reside, or through which they are passing; that no impediment whatever shall be opposed to its trade, and that no interruption shall take place in the mercantile relations between the towns and the inhabitants of both Republics, those territories alone which are the actual theatre of military operations being excluded from such freedom and commerce. In the same manner, it shall be lawful for the citizens of both Republics, even in the time of war, to traffic and carry on trade with other neutral Powers, whether friends or enemies, without becoming subject to confiscation or military seizure, with the exception of articles contraband of war, destined for one of the belligerents to the injury of the other one.

XXV. The present Treaty shall last for the term of 8 years reckoned from the day on which the change of ratifications is effected; and, at the end of the said term, it shall be understood as renewed for 8 years more, provided that one of the Contracting Parties should not, 1 year before, have notified to the other one, his intention of putting an end to it.

XXVI. The present Treaty shall be ratified, and the ratifications exchanged in the capital, within 80 days, reckoned from the date hereof, or sooner, if possible. Upon the exchange being effected, both Governments shall publish it as a law of the State.

In witness whereof, we, the undersigned, Ministers Plenipotentiary, have signed the present Treaty, affixing thereto the seal of our respective Republic.

Done at Sucre, on the 10th October, in the year of Grace, 1848.

(L.S.) CIPRIANO C. ZEGARRA.

(L.S.) CASIMIRO OLANETA.

DECREE of the President of Peru, promulgating the Treaty of Friendship and Commerce with Bolivia, of December 11, 1848.—Lima, December 24, 1849.

(Translation.)

RAMON CASTILLA, President of the Republic of Peru, &c.

Inasmuch as there was signed between Peru and Bolivia in the city of Sucre, by the respective Plenipotentiaries, a Treaty in perfect conformity with that concluded at Arequipa, between the same Republics, on the 3rd November, 1847, and containing the additions and modifications made by the Government and Congress of Bolivia, which Treaty is literally as follows :

[Here follows the Treaty. See page 794.]

For which reasons, and because the present Treaty as now drawn up, is conformable with the one concluded in the city of Arequipa on the 3rd of November, 1847, and with the terms in which the said Treaty of Arequipa was accepted by me, and approved by the Congress of the Republic, in virtue of the power conferred upon me by the Constitution, I have approved, confirmed, and ratified the present Treaty, promising to keep and fulfil it, without permitting that the stipulations therein contained shall be contravened by any one.

In witness whereof, and engaging on my part the national honour, I sign the present Treaty, which was sealed with the national arms, and countersigned by the Minister of State for Foreign Affairs, in Lima, on the 11th day of December of the year of Grace 1848.

RAMON CASTILLA, *President of the Republic of Peru.*

FELIPE PARDO.

The preceding Treaty of Friendship and Commerce entered into between Peru and Bolivia, having been approved by the Congress, and the exchange of the ratifications having been effected in the city of Oruro, on the 7th November of the present year, by the Plenipotentiaries D. Cipriano Coronel Zagarra, on the part of Peru, and D. D. Tomas Valdivieso, on the part of Bolivia,

I DECREE

The Treaty of the 3rd November, 1847, concluded in the city of Arequipa between Peru and Bolivia, with the modifications made by the Congress and Governments of the 2 nations, shall be observed as the law of the State in both Republics.

The Minister of Foreign Relations is entrusted with its fulfilment and publication.

Given in the Government House, in Lima, 24th December, 1849.

(L.S.) RAMON CASTILLA.

(L.S.) MANUEL FERREYROS.

TREATY of Commerce and Navigation, between Sardinia and the 2 Sicilies.—Naples, February 7, 1846.

[Ratifications exchanged at Naples, February 23, 1846.]
(Translation.)

HIS Majesty the King of Sardinia and His Majesty the King of the Kingdom of the 2 Sicilies, animated by an equal desire of extending, increasing, and consolidating the commercial relations between their respective States, and of affording every possible facility and encouragement to such of their subjects as participate in those relations; and being convinced that nothing can more contribute to the accomplishment of their mutual wishes for such an object, as the reciprocal abolition of all navigation and Custom-House differential duties, and of all exclusively commercial rights and privileges hitherto enjoyed by the subjects of one of the 2 parties, in preference to those of the other, in their respective States, have nominated Plenipotentiaries for concluding a Treaty to the above effect; that is to say:

His Majesty the King of Sardinia; Count D. Ermolao Asinari di S. Marzano, Commander of the Royal Religious and Military Orders of Saints Maurice and Lazarus, and of the Austrian Order of the Iron Crown, Knight of the Imperial Austrian Order of Leopold, and of the Spanish Order of Charles III, Envoy Extraordinary and Minister Plenipotentiary of His Majesty, at the Court of His Majesty the King of the Kingdom of the 2 Sicilies; and His Majesty the King of the Kingdom of the 2 Sicilies; D. Giustino Fortunato, Knight Grand Cross of the Royal Military Constantinian Order of St. George and of that of Francis I, decorated with the Imperial Russian Order of the White Eagle, and His Majesty's Secretary of State; D. Michael Gravina e Requesnez, Prince of Comitini, Knight Grand Cross of the Royal Order of Francis I, Knight of the Insignia of the Imperial Russian Order of the White Eagle, Gentleman of the Chamber, and His Majesty's Secretary of State; and D. Antonio Spinelli, of the Princes of Scalea, Commander of the Royal Order of Francis I, Knight of the First Class of the Imperial Russian Order of St. Anne, Gentleman of the Chamber to His Majesty, Member of the General Council, and Chief Superintendent of the Archives of the Kingdom;

Who, after having exchanged their respective full powers, and found the same in good and due form, have agreed upon and concluded the following Articles:

ART. I. There shall be a free reciprocity of commerce and navigation between the dominions of the High Contracting Parties.

Their respective subjects may freely travel, reside, or trade, in any part whatsoever of the States belonging to each of them; and,

for that purpose, they shall enjoy the same security and protection as are enjoyed by the inhabitants of the country wherein they are residing, on condition, however, of submitting themselves to the laws and regulations which are or shall be there in force.

The said subjects shall not be liable, under any pretext, to pay any other taxes or imposts than such as are or shall be paid by the most favoured nations.

They shall be exempted from all military service, whether by sea or land, from all forced loans and extraordinary contributions, provided the same be not general or established by law.

Their dwelling-houses, warehouses, and whatever forms part thereof or belongs to them, for the purposes of trade or of residence, shall be respected; they shall not be subjected to vexatious search or domiciliary visits; their books, commercial letters, and accounts shall be free from all arbitrary examination or inspection, which procedure can only be practised in pursuance of a legal sentence pronounced by the competent tribunals.

The High Contracting Parties mutually engage to guarantee, upon all occasions, to the subjects of the one Party, residing in the dominions of the other, the security of their persons and property, in the same manner as these latter are guaranteed to their own subjects, or to the subjects or citizens of the most favoured nations.

II. The subjects of His Majesty the King of Sardinia shall not be liable, in the dominions of the King of the kingdom of the 2 Sicilies, to a more rigorous system of examination and search, on the part of the Custom-House officers, than are the subjects of His Majesty the King of the 2 Sicilies.

And, in like manner, the subjects of His Majesty the King of the kingdom of the 2 Sicilies shall not be liable, in the dominions of His Majesty the King of Sardinia, to a more rigorous system of examination and search, than the subjects of His Majesty the King of Sardinia.

III. The subjects of one of the 2 High Contracting Parties may, in the dominions of the other, freely conduct their business themselves, or intrust it to the management of those whom they may think fit to appoint as their attorneys, factors, or agents, nor shall they be hindered in their selection of persons to act in the above capacity, nor required to pay any salary or remuneration to any person not chosen by themselves.

Both buyer and seller shall, in all cases, be at perfect liberty to treat together, and to fix the price to be paid for any article or goods whatsoever that may have been imported into the States of one or other Contracting Party, or exported therefrom, excepting, generally, as regards transactions in which the laws and usages of the country require the employment of special agents.

IV. The products of the soil or of the manufactures of one of the 2 countries imported from one into the other, either by land or by sea, shall be taxed in the same manner as the like products are taxed which are imported from any other country whatsoever, nor shall they be subject to any other or higher Custom-House tax.

His Majesty the King of Sardinia and His Majesty the King of the kingdom of the 2 Sicilies engage not to grant to the subjects or citizens of any other Power, in the matter of commerce and navigation, any privilege, favour, or immunity, without extending it, at the same time, to the commerce and navigation of the other country, and this, gratuitously, if the concession so made was gratuitous, or by means of a compensation, to be determined by common consent, and equal, as nearly as possible, both in value and in effect, should the concession have been made for a consideration.

V. All the productions of the soil and of the manufactures of the 2 countries, or of their respective dominions, which, coming from one of them, can be legally imported, deposited, and warehoused in the other, shall be subject to the same duties, and enjoy the same privileges, whether imported, deposited, or warehoused, by means of Sardinian ships or by those of the 2 Sicilies, in the ports of the States of the 2 High Contracting Parties.

In like manner, all the productions which may be legally exported or re-exported from one of the 2 countries into the other one, shall be subject to the same duties, and shall enjoy the same privileges, reductions, benefits, concessions, and restitutions, whether they be exported or re-exported on board vessels belonging to either Power.

VI. Sardinian ships arriving in the ports of the dominions of His Majesty the King of the 2 Sicilies, and reciprocally, Sicilian vessels, entering the ports of His Majesty the King of Sardinia, shall be treated, in the 2 countries, upon their arrival, during their stay, and at their departure, on the same footing as national vessels, in all that regards tonnage, pilotage, harbour, lighthouse, quarantine, dock, and licence duties or dues, together with such others as are imposed upon the vessel itself, under whatsoever denomination, and whether the aforesaid duties be paid for the benefit of the State, the city, or any private establishment whatever; provided always that such vessels come direct from one of the ports of the kingdom of the 2 Sicilies into one of the ports of His Majesty the King of Sardinia, or from one of the ports of the Sardinian States, into one of the ports of the kingdom of the 2 Sicilies, if freighted, or by any other kind of route, (*viaggia*) if with cargo.

VII. The nationality of the respective ships shall be mutually recognised and admitted, conformably to the special laws and regulations of each State, by means of licences and ship certificates, granted by the competent authorities to the captains or the owners.

VIII. As a consequence of the preceding stipulations, every premium, remission, or reimbursement of duties existing in the kingdom of Sardinia, to the injury of the commerce and navigation of the 2 Sicilies, is and remains abolished ;

And it is expressly understood that no premium, remission, or reimbursement of duties can, while the present Treaty lasts, be granted, in the kingdom of Sardinia, to the injury of the commerce and navigation of the kingdom of the 2 Sicilies ;

And, reciprocally, every premium, remission, or reimbursement of duties existing in the States of His Majesty the King of the kingdom of the 2 Sicilies, to the prejudice of Sardinian commerce and navigation, is and remains abolished, it being likewise expressly understood, that no premium, remission, or reimbursement of duty can, during the continuance of the present Treaty, be granted, in the kingdom of the 2 Sicilies, to the injury of Sardinian commerce and navigation.

In consequence whereof, His Majesty the King of Sardinia declares that by virtue of the conditions stipulated in Article V, all the differential duties of the one-third part of the tax upon imports, established in his States, by the Decree of the 17th January, 1825, upon brandies, wine, and grain, oils, chestnuts and chestnut flour, wheat, and oats ; upon rice and bruised pulse, as well as upon oil for exportation, and every other differential duty which may, in like manner, be established, together with other provisions respecting imports and exports, in favour of the national flag, and to the prejudice of that of the kingdom of the 2 Sicilies, are and remain abolished during the entire continuance of the present Treaty.

And, on his side, His Majesty the King of the kingdom of the 2 Sicilies, declares that, so long as the present Treaty lasts, the reduction of 10 per cent. enjoyed by his own royal flag upon the duties accruing from the Custom House tariffs, shall be also extended to the productions of the soil and manufactures of the States of His Sardinian Majesty, which shall be imported into his royal dominions from those of His Sardinian Majesty, on board Sardinian trading vessels.

The reciprocity established by this Article is not extended to the premiums which the High Contracting Parties may respectively bestow upon their own subjects for the encouragement of the building of national vessels.

IX. And it is further agreed that Sardinian cheeses, brought from those dominions into the kingdom of the 2 Sicilies, on board vessels belonging to either country, shall be assimilated to cheeses of every kind brought from every other most favoured foreign country, and, therefore, be liable to the same duties which are or may, in future, be imposed upon the same, and that, by way of an equivalent for such assimilation, in favour of the vessels of the kingdom of the 2 Sicilies, employed in the coral fishery in Sardinian waters, there shall not,

from the day of the ratification of the present Treaty, nor during the continuance thereof, be collected other or higher duties than those to which Sardinian vessels engaged in the same trade are or in future may be liable, whether the collection be for the benefit of the Government, the Communes, or any other establishment whatsoever.

X. The stipulations of the present Treaty shall not, in any way, apply to coast navigation or the coasting trade, which is carried on from one part to another in each of the 2 countries for the conveyance of persons, goods, and other merchandise, on board of either steam or sailing vessels, such a description of transport being exclusively reserved for national vessels.

But, notwithstanding the above, the vessels of each of the High Contracting Parties may take on board, or may unlade a part of their cargo, in a port belonging to the States of the other, and, afterwards, complete their cargo, or may unlade the remainder in one or more ports of the same States, without paying any duty different from that paid by vessels belonging to the country itself, or by those of the most favoured nations.

XI. In case of a vessel belonging to one of the High Contracting Parties, being wrecked anywhere within the respective dominions, not only shall every kind of assistance be given to the persons wrecked, but the vessels themselves, and the remains of them, their fittings and all objects belonging to them, the letters found on board, as well as all effects and goods which may have been thrown overboard, or which may have been saved, shall not be seized or retained under any pretext whatever.

The said vessels, effects, and merchandise, shall, on the contrary, be kept and restored upon payment of the expenses of salvage and preservation, as well as of the same duties of customs, quarantine, and others, as in like cases would be paid by a national one. The same applies to the proceeds from the sale of the said effects, should circumstances require their being immediately disposed of.

In the above-mentioned case the respective Consuls, Vice-Consuls, or Commercial Agents, shall be authorized to interfere, for the purpose of affording the assistance of which their countrymen may stand in need. But in the event of there arising legal claims respecting the wreck, and the effects and goods on board the wrecked vessel, such claims shall be referred to the decision of the competent tribunals of the country.

XII. The Consuls, Vice-Consuls, and Commercial Agents of each of the 2 High Contracting Parties, shall enjoy in the States of the other one the same privileges and powers as are possessed by those of the most favoured nations; but should the Consuls and Agents be disposed to engage in any commercial transactions, they shall be subject to the same laws and usages as those to which their own countrymen are subject, in the place where they reside.

The Consuls, Vice-Consuls, and Commercial Agents of each of the 2 countries may, as such, act as arbitrators in civil questions or disputes arising out of contracts made elsewhere between captains and crews of vessels belonging to their own nation, provided that the subjects of the Power within whose territory they reside are not interested therein; nor can the local authorities interfere or take any part only in such matters, except only in cases in which public order or the tranquillity of the country should be disturbed by the conduct of the captain and the crew. This kind of award, however, cannot deprive the litigants of the right of appealing, on their return home, to the judicial authorities of their own country.

XIII. The Consuls, Vice-Consuls, and Commercial Agents of each of the 2 High Contracting Powers resident in the States of the other, shall receive from the local authorities all the assistance that can be lawfully afforded them for the delivering up of deserters from the ships-of-war or merchant vessels belonging to their respective countries.

XIV. His Majesty the King of the kingdom of the 2 Sicilies, in furtherance of the desire expressed by His Majesty the King of Sardinia, agrees to extend all the stipulations of the present Treaty to the sovereign principality of Monaco, placed under the protection of His Sardinian Majesty, upon the understanding of a perfect reciprocity on the part of the said principality.

XV. The present Treaty shall remain in force for 10 years, commencing from the exchange of the ratifications, and beyond that term until 12 months after one of the High Contracting Parties shall have made known to the other one its intention of causing the operation thereof to cease; each of the High Contracting Parties reserving to itself the right of giving a similar notification to the other at the end of the first 9 years; and it is agreed between them that, at the termination of 12 months after such notification from one of the High Contracting Parties shall have been received by the other one, the present Treaty, and all the stipulations it contains, shall cease to be obligatory upon the 2 Parties.

XVI. The present Treaty of Navigation and Commerce shall be ratified, and the ratifications thereof exchanged in Naples, on the expiration of 2 months from the day of signature, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the same, and affixed thereunto the seals of their arms.

Done in Naples, the 7th day of the month of February, 1846.

(L.S.) E. DI SAN MARZANO.

(L.S.) GIUSTINO FORTUNATO.

(L.S.) PRINCIPE DI COMITINI.

(L.S.) ANTONIO SPINELLI.

TREATY between Prussia, &c., and Luxembourg, respecting the continuance of the Accession of the Grand Duchy of Luxembourg to the Customs' System of Prussia and the other Zollverein States.—The Hague, April 2, 1847.

[Ratifications exchanged at the Hague, July 15, 1847.]
(Translation.)

INASMUCH as the continuance of the Treaty entered into on the 8th February, 1842,* with His Majesty the King of the Netherlands, Grand Duke of Luxembourg, respecting the accession of the Grand Duchy of Luxembourg to the Customs' system of Prussia, and of the other Zollverein States expired in March last, 1846; and it is the intention of the Contracting Parties, in consequence of the favourable effect produced by the said Customs' accession upon the trade and commerce of their subjects, to prolong the same, and only, in one single instance, to make alterations for the new period of time; so, for this object, they have named Plenipotentiaries, that is to say: on the one part, His Majesty the King of Prussia, for himself and on behalf of those who, by virtue of the Treaty of 22nd and 30th March, and 11th May, 1833,† 12th May and 10th December, 1835,‡ 2nd January, 1836,§ and 8th May, 1841,|| became members of the existing Customs and Trade Union, namely, the Crowns of Bavaria, Saxony, and Wirtemberg, the Grand Duchy of Baden, the Electorate of Hesse, the Grand Duchy of Hesse, representing at the same time the Landgravian Hessian Hombourg, the States forming the Thuringian Customs and Trade Union, namely, the Grand Duchy of Saxony, the Grand Duchies of Saxe-Meiningen, Saxe-Altenburg, and Saxe-Coburg and Gotha, and the Principalities of Schwarzburg-Rudolstadt and Schwarzburg-Sonderhausen, Reuss-Greiz, Reuss-Schleitz, and Reuss-Lobenstein, and Ebersdorf, the Duchy of Brunswick, the Duchy of Nassau, and the Free Town of Frankfort; his Chamberlain, Ambassador Extraordinary and Minister Plenipotentiary at the Royal Court of the Netherlands, Hans Carl Albrecht, Count of Königsmark, &c.; and on the other part, His Majesty the King of the Netherlands, Grand Duke of Luxembourg, his Chamberlain and Grand Chancellor for the Grand Duchy of Luxembourg, Frederick George Prosper, Baron of Blochausen, &c.;

Who, after preliminary negotiations, have, reserving always the ratification, agreed upon the following Articles:

ART. I. The Treaty entered into on the 8th February, 1842, concerning the accession of His Majesty the King of the Netherlands, Grand Duke of Luxembourg, with the Grand Duchy of Luxembourg, to the Customs' system of Prussia, and of the other Zollverein States,

* Vol. XXXI. Page 1351.

† Vol. XX. Pages 472, 487, 513.

‡ Pages 1218, 1393.

§ Page 1235.

|| Page 1444.

shall, with the following changes, be prolonged to the end of December, 1853.

II. In consideration of the difficulties arising from the introduction of a new system of coinage, measures, and weights, the States of the Zollverein declare themselves willing that, notwithstanding the agreement come to in Article XI of the Treaty of the 8th February, 1842, the decimal system (for weights and measures), as well as the current French coinage introduced into the Grand Duchy of Luxembourg, shall be maintained there during the continuance of the present Treaty.

III. Inasmuch as on account of local or other considerations, it has appeared expedient and admissible, in consequence of the experience acquired during the continuance of the Treaty of February 8, 1842, to effect an alteration as regards the arrangements which, had been made in conformity with Article XVI of that Treaty, concerning the regulations for the administrations of the Customs in the Grand Duchy of Luxembourg, therefore such modifications as were considered adapted for the purpose have been determined upon by a further special agreement.

IV. Should no notice of cessation of this Treaty be given at latest, 2 years before its expiration, the same shall be considered prolonged for 12 years, and so on from 12 years to 12 years.

The same shall, as soon as possible, be laid before the contracting Governments, and the ratifications thereof with the greatest expedition, but at latest within 2 months, be exchanged at Berlin.

In testimony whereof the Plenipotentiaries of both the Contracting Parties have signed the present Treaty, and affixed thereunto the seal of their arms.

Given at the Hague, April 2, 1847.

(L.S.) KONIGSMARK.

(L.S.) DE BLOCHAUSEN.

CORRESPONDENCE between Great Britain, Austria, Bavaria, France, Prussia, Rome, Russia, Sardinia, Sicilies, Switzerland, and Tuscany, respecting the Affairs of Italy.—1847, 1848.*

No. 6.—Viscount Ponsonby to Viscount Palmerston.

(Received January 3, 1848.)

MY LORD,

Vienna, December 27, 1847.

IN my despatch of yesterday I reported to your Lordship the substance of what Prince Metternich told me last night respecting the events in Modena and Parma. His Highness has this morning

* Laid before Parliament, 1849.

sent me the inclosed copy of Count Ficquelmont's circular to the Austrian Ministers at Rome, at Naples, at Florence, and at Turin, in which your Lordship will see the precise view taken by the Austrian Government of the motives and causes which operated in these proceedings.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Count Ficquelmont to the Austrian Ministers at Rome, Naples, Turin, and Florence.

(Circular.)

Milan, le 21 Décembre, 1847.

MONSEIGNEUR le Duc de Modène a dans ce moment la plus grande partie de ses troupes employées au-delà des Appennins pour l'occupation de ses territoires de Massa, Carrara, et de Fivizzano. Il lui en reste très-peu pour les garnisons de Modène et de Reggio. Des émissaires des contrées voisines ne cessent d'exciter la population de ces 2 villes au mouvement.

Le Cabinet de est parfaitement instruit des motifs aussi fondés que simples et naturels qui ont dicté à Mgr. le Duc de Modène la réponse que Son Altesse Royale a faite aux Envoyés des 3 Cours de Sardaigne, de Toscane, et de Rome, chargés d'inviter Son Altesse Royale à accéder au Traité de la ligue douanière signé entre ces 3 Cours à Turin. Le parti qui veut se servir de cette ligue comme d'un moyen politique dans des vues étrangères au commerce, s'est servi de cette circonstance pour exciter les sujets du Duc de Modène contre lui, et les entraîner à des voies de fait. Ainsi des démonstrations publiques eurent lieu au théâtre de Reggio, accompagnées de toutes les vociférations de l'époque; elles furent suivies d'un attroupement populaire, qui parcourait les rues proférant les mêmes cris; cet attroupement, loin d'obéir à la sommation faite par les autorités de se dissoudre, se grossissant au contraire davantage, rendit nécessaire l'usage de la force armée.

Des manifestations de la même nature eurent lieu à Modène, indiquant la même tendance, sans qu'il eût été toutefois nécessaire d'employer la force armée; mais la fermentation de l'opinion causée par le départ des 3 Envoyés était de nature à faire craindre un ébranlement plus fort.

Le décès de Sa Majesté Madame l'Archiduchesse Duchesse de Parme vint ajouter à cette disposition des esprits un nouvel élément d'excitation, la tranquillité de Parme était menacée par quelques factieux qui crurent pouvoir profiter du tems qu'il fallait au nouveau Souverain pour prendre possession de ses nouveaux Etats et tenter par un coup de main de se rendre maître du Gouvernement. Cette tentative eut effectivement lieu.

Toute cette situation menaçante pour la sûreté de l'Etat de Modène décida Son Altesse Royale le Duc à demander à M. lo

Maréchal Comte de Radetzky de mettre quelques compagnies d'infanterie à sa disposition pour renforcer la garnison des 2 villes de Modène et de Reggio.

Les voies de fait qui avaient eu lieu étant un des cas prévus pour lesquels M. le Maréchal Radetzky se trouvait autorisé à porter secours à l'Etat voisin, 2 bataillons et 2 escadrons de cavalerie reçurent l'ordre de marcher vers ces 2 villes. Ces troupes doivent y être arrivées hier et aujourd'hui. Elles quitteront le territoire de Modène dès le moment que le calme y sera rétabli.

Un escadron de hussards a été envoyé à Parme pour y faire un service d'honneur près du corps de la défunte Souveraine, et pour en escorter le convoi, Sa Majesté par acte de sa dernière volonté ayant demandé d'être transportée à Vienne.

Comme il est possible que plusieurs feuilles publiques voudront donner à ces dispositions un caractère différent de celui qu'elles ont réellement, je crois devoir les faire connaître à votre . . . afin de la mettre à même d'en instruire le Cabinet de . . . et rectifier ainsi les faux bruits que la malveillance se plairait à répandre.

Veillez, &c.

The Austrian Minister at —.

FICQUELMONT.

No. 7.—Consul-General Dawkins to Viscount Palmerston.

(Received January 3, 1848.)

MY LORD,

Milan, December 27, 1847.

I HAVE to express my regret at having forwarded to your Lordship, in my despatch of the 22nd instant, information not quite correct in its details, with regard to the arrangement carried into effect between the Austrian and Papal Governments for the military occupation of Ferrara.

I now inclose a copy and translation of an article that was published yesterday evening in the Milan official Gazette, from which it appears that on the morning of the 23rd instant the Austrian troops withdrew from the main guard, and from the 4 gates of the town of Ferrara, all which posts were occupied by the Papal troops, with the exception of one gate, that of the Po, which is occupied only by Papal Custom House officers. The Austrians retain the barracks hitherto occupied by them in the town, and thus Ferrara, in regard to quarters occupied, and posts held, by the Austrian troops, is replaced in the situation it was in previously to July last, the number alone of Austrian troops being augmented.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

P.S.—The Prince of Lucca did not accompany his father on his way to Parma, but has returned to Turin.

(Inclosure.)—Article from the "*Gazzetta Privilegiata di Milano*" of December 28, respecting the reoccupation of Ferrara by Papal Troops. (Translation.)

ACCOUNTS received to-day from Ferrara announce the manner in which, in conformity with the Convention concluded between the Court of Rome and his Excellency the Ambassador Count Lutzow, for the purposes of settling the differences which had arisen, the order of service of the troops of the 2 parties in that garrison has been re-established and placed on its original footing.

With this object the Government of His Holiness had directed his Eminence the Cardinal Legate Ciacchi, who was absent on leave, to repair to Ferrara, and had made dispositions in order that 300 men, quartered in Bologna, should proceed to the above-mentioned city.

Agreeably to the measures agreed upon by the Cardinal Legate and the Lieutenant-General Count Auersperg, commanding the Austrian troops, the regular relief (or delivery, *consegna*) of the main guard took place on the 23rd instant, at 9 o'clock A.M., with all due formality, and without any inconvenience, in the presence of the superior officers of the Austrian troops, and of those of his Holiness, who were commanded to be present, and also of a great concourse of people.

At the same time the 4 guards were withdrawn from the gates of the town, which were occupied by the Papal troops, with the exception, however, of the gate of the Po, which, with a view to the necessary communication of the Austrian troops with the River Po, remains neutral, and is only occupied by the Papal Custom House guards.

The service of the garrison is divided.

The Austrian troops retaining their quarters in the barracks which they have always occupied in the town, will carry on the service in the citadel; the Papal troops will carry it on in the town.

The measures taken by his Eminence the Cardinal Legate prove that the harmony which never ceased to exist between the 2 Governments, and which was only temporarily interrupted in Ferrara, has been again re-established in that town.

No. 8.—Sir G. Hamilton to Viscount Palmerston.

(Received January 5, 1848.)

MY LORD,

Florence, December 28, 1847.

WITH reference to my despatch of the 19th instant, inclosing one from Mr. Petre respecting the intention of the Austrian troops to evacuate the city of Ferrara, I have the honour to inform your Lordship that that event took place on the 23rd instant.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 10.—*Sir G. Hamilton to Viscount Palmerston.*

(Received January 8, 1848.)

(Extract.)

Florence, December 28, 1847.

COUNT FICQUELMONT has addressed, from Milan, a despatch to Baron Snitzer, the Austrian Chargé d'Affaires at Florence, to be communicated to the Tuscan Government, in which he observes that the Austrian force which has entered the State of Modena at the express desire of the Duke, will only remain within the territory of that Duchy as long as His Royal Highness may think the presence of these troops expedient.

The despatch further states that the seditious conduct of the people at Reggio indicated particularly a few nights ago at the theatre, the excitement at Modena caused by the departure of the Diplomatic Agents who failed in their mission about the Customs League, combined with the attempt to invest the Podestà or chief of the municipal department of Parma with the sole authority after the death of the Archduchess Maria Louisa, have for the present rendered this military measure on the part of the Duke of Modena essential to the internal peace of his territory, more especially at a time when the Modenese troops have been dispersed, in order to garrison Fivizzano, Massa, and Carrara.

In addition to the 2 battalions of Austrian infantry mentioned in my despatch of the 25th instant, 2 squadrons of cavalry have also entered the State of Modena, and a detachment of Hungarian cavalry has been sent to Parma as a guard of honour to assist in the transport of the remains of her late Majesty the Duchess of Parma, in conformity with her last request to be taken to Vienna.

The Chevalier Gaetano Georgini, Superintendent of Public Instruction at Florence, has been sent to Parma on a complimentary mission to the new Sovereign of that State, and it is generally believed that he is also instructed to make some arrangement with regard to Pontremoli and the Tuscan Lunigiana.

The Tuscan Government has as yet shown no evidence of any determination on this matter, or of any intention to execute the recent Treaty with the Duke of Lucca, concluded on the 9th of December, 1847, which binds the Grand Duke of Tuscany to cede Pontremoli to the Duke of Parma, as well as that of November, 1844, which last Treaty now comes fully into operation.

It was settled at the Congress of Vienna, that the Duke of Modena should take Fivizzano, Seravezza, Barga, and Pietra Santa. Guastalla was to remain with the Duchy of Parma, and Pontremoli continued to be united to Tuscany; but it is so clearly to the advantage of the Grand Duke of Tuscany to retain Pietra Santa, Seravezza, and Barga, that if His Imperial Highness' interests are now to be regarded, the Tuscan Government must prefer the abandonment of

Pontremoli to relinquishing those territories which adjoin the State of Lucca, and of which he has so long enjoyed possession, with an expectation founded on the Treaty of 1844 that he was not to be at any time deprived of them.

A meeting took place at the Café del Ferruccio on Sunday evening, got up not without some opposition on the part of many persons who disapproved of the proceeding. The object of this movement was to excite the people of Florence to make a demonstration before the Pitti Palace, for the purpose of obliging the Grand Duke to form a camp of defence and observation at Pistoia, in case the Austrians should invade Tuscany. Violent speeches were uttered, and a desire expressed that 20,000 men should be immediately armed and marched off to that city. During this clamour, the Marquis Ridolfi repaired to the scene of commotion and harangued the mob, in order to point out the impropriety of subjecting the legitimate Government of the country to popular dictation, by calling for measures of defence when no enemy menaced Tuscany. The Marquis observed in his address, that he did not speak as Minister of the Interior, but as a citizen.

I have the honour to inform your Lordship that the Chevalier Martini, who negotiated at Turin the Customs Union, has been appointed Tuscan Minister at that Court.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 12.—Consul-General Dawkins to Viscount Palmerston.

(Received January 10, 1848.)

MY LORD,

Milan, December 31, 1847.

YOUR Lordship is aware that when the Lombardo-Venetian Kingdom was constituted, the late Emperor Francis directed, in the year 1815, the organization of 2 kinds of Representative Assemblies, of which the higher are called Central Congregations, one for each of the 2 Governments of Milan and Venice; the second, Provincial Congregations, one for each of the 17 provinces of the kingdom. These assemblies are composed of half nobles and half commoners, the delegate of the Province being the President of the Provincial Congregation, the Governor of Milan (or Venice), the President of the Central Congregation. The members are elected by the Communal Councils and the Royal Burghs, the Government having a right of veto upon the election. The Central Congregation is invited to communicate the wishes of the nation to the sovereign, who, however, reserves to himself the power of granting or refusing its requests at pleasure. The President has the power of naming committees of the deputies to report on matters of difficulty.

Availing themselves of the power thus conferred upon them, a power which they have hitherto allowed to remain nearly dormant,

a step has been taken by the Central Congregation of Milan, that has caused considerable excitement among the public. At the instance, namely, of one of the members, Signor Nazari, Deputy for the Province of Bergamo, the Central Congregation have demanded the appointment of a committee to report upon the present state of the country, and the causes of the existing discontent, which demand has been complied with by the Government. I inclose a copy of Signor Nazari's petition, or demand, addressed to the Central Congregation, and I beg to call your Lordship's attention to the language of this paper. Signor Nazari has hitherto taken no prominent part in the affairs of this country, but has always been considered an independent and moderate man. As soon, however, as the step he had taken became known, a great number of the inhabitants of Milan went to his house to leave their cards, as a mark of their approval of his conduct. The Government are much annoyed at the proceeding of Signor Nazari, and especially at the publicity it has acquired. In the meantime, the Provincial Congregation of Milan, not slow to follow the example set to them, have drawn up and presented to the Central Congregation a paper purporting to contain a sketch of the principal grievances and demands of the inhabitants of the province. The substance of these demands is, I understand, as follows :—

That the affairs of the Lombardo-Venetian Kingdom should be henceforward administered by the Viceroy, assisted by Italian counsellors alone, it being a great subject of complaint that the entire management of Italian affairs has hitherto been absorbed by the Aulic Council at Vienna,

That the Lombardo-Venetian Kingdom should provide for its own expenses, and should contribute, in a fair proportion with the other provinces, to the general expenses of the empire; that the taxes should be adapted to the character of the inhabitants and to the productions of the country, and should be under the control of the authorities of the kingdom, who should have power to reduce or augment them, and that the accounts should be made public.

That publicity should be given to the accounts of the public debt, and that the country should be assured that the provisions of the Article of the Treaty of Vienna regarding the Monte Napoleon, are complied with.

That the Customs system should be made suitable to the country, with a view to an eventual union with the Italian Customs League.

That the regulations for the conscription should be modified, and a reduction made in the term of service, which is now 8 years.

That there should be greater publicity in the courts of law, and that greater security should be afforded against the arbitrary measures of the police authorities.

These demands are now before the committee appointed to receive

them; and were they of an ordinary nature, brought forward in other times, they would probably remain for years consigned to the consideration of the committee, and to that of the authorities at Vienna, to whom they would be subsequently referred. Under present circumstances, however, the usual dilatory method of proceeding can hardly be followed; and although no one seems to imagine the possibility of a compliance with these demands, the step which has been taken may perhaps be the means of accelerating those measures, be they what they may, which are generally supposed to be under the consideration of the Government at Vienna.

I have been informed that a paper has been presented to the Central Congregation of Venice, calling upon it to follow the example of that of Milan, but as I am about shortly to proceed to Venice, I hope to be able to furnish your Lordship with further information on the subject.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—*Petition of Signor Nazari to the Central Congregation of Milan.*
(Translation.)

TO THE CENTRAL CONGREGATION OF LOMBARDY.

No great power of observation is required to be aware how public opinion for some time past has pronounced itself, I will not say in a hostile manner, but certainly in a far from ambiguous spirit of discontent, against the Government. This spirit pervades all classes of society, more or less, and shows itself whenever an opportunity offers, as the authorities well know whenever they have thought fit to have recourse to severe and unusual measures, in order to prevent it from degenerating into disorderly demonstrations.

But from whence arises this agitation, which goes on fermenting? which increases in proportion to the measures adopted for its suppression. Whence the bad feeling which has sprung up between those who govern and those who are governed? Have these last perhaps reasonable grounds of complaint. And if they have, who ought to lay their respectful complaints before him who alone can render them satisfied and contented?

I, for my part, do not see that any persons are better fitted than we are to explain the desires of the country—we, who in our capacity of private individuals are able to judge of the good and the evil which results from good and bad institutions;—we, who placed by Providence in a state of moral independence, can the more frankly make known our sentiments. None, finally, are more legally qualified than this Central Congregation to lay before the Throne the wishes of faithful subjects, because it is to them alone that the sovereign clemency has granted the precious prerogative of making known our wants.

This being admitted, as I think it would be highly desirable to devise some means for re-establishing between those who rule and those who are governed, that good understanding by which alone public tranquillity is guaranteed, and to remove all, even the most remote, danger of a collision, which would be most hurtful to the country, I have determined to record in this protocol this petition or motion, whichever it may be considered, by which I ask and propose to the Central Congregation that it may be pleased to name a commission, chosen from among its members and composed of as many deputies as there are provinces of Lombardy, in order that the present condition of the country may be maturely examined into, and the causes of the discontent referred to may be made the subject of a detailed report to the Central Congregation itself, for its subsequent consideration.

This step is recommended to me by a desire for the public good, by the attachment I bear to my Sovereign, and by the sense of my duties; for as a citizen I ardently love my country, as a subject I desire that my Sovereign may be adored and beloved everywhere and by everybody; and as a deputy I should consider myself as wanting to my calling and to my oath, if I remained silent when my conscience calls upon me to speak.

NAZARI.

No. 16.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. Jan. 11.)
MY LORD, *Florence, January 4, 1848.*

I HAVE the honour to transmit herewith Mr. Petro's despatch from Rome relating to the new organization of the ministerial departments consequent upon the institution of the Consulta di Stato.

I take this opportunity of informing your Lordship that I have learnt through Her Majesty's Consul at Ancona, that the French Government has sent a Consul and Vice-Consul to reside at Ferrara.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Mr. Petre to Sir George Hamilton.*

SIR, *Rome, December 31, 1847.*

I HAVE the honour to report to you, for the information of Viscount Palmerston, that His Holiness yesterday issued a decree—*Motuproprio*—for the reorganization of the Council of Ministers, rendered necessary by the institutions of the Consulta di Stato and of the Roman Municipality.

The whole administration of the State will be divided henceforth into 9 ministries:—1. Foreign Affairs; 2. Internal Affairs; 3. Public Instruction; 4. Grace and Justice; 5. Finances; 6. Commerce,

Fine Arts, Industry, and Agriculture; 7. Public Works; 8. Arms; 9. Police.

The heads of the above-named departments will compose the Council of Ministers, presided over by the Secretary of State, Minister for Foreign Affairs, necessarily a Cardinal, having under him a prelate with the title of substitute.

To the Council will belong a body of 24 auditors—*Uditori*—one-half to be ecclesiastics, and all to be named by the Sovereign.

The Cardinal-President will appoint them to the several departments; they are to serve gratuitously, and after 4 years' meritorious service they will have a right to promotion to any vacant office suitable to their age, experience, and ability.

The separation of the Ministries of Foreign and Internal Affairs, and the independence and responsibility of each department to the Council, diminish the power and influence of the Cardinal Secretary of State in Civil Affairs, and may lead to the permanent foundation of a well-defined system of administration in harmony with the new institutions of the Consulta di Stato and of the Roman municipality.

In ecclesiastical affairs the Cardinal Secretary of State will retain all his power and influence, and treat concerning them directly with the Sovereign.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 22.—*Consul-General Dawkins to Viscount Palmerston.*

(Received January 13.)

MY LORD,

Milan, January 6, 1848.

IN my despatch of the 31st ultimo, I transmitted a paper which had been circulated in Milan, inviting the inhabitants to abstain from smoking, and I mentioned that some persons had already been insulted for not conforming to this invitation. I regret much to say that still more serious consequences have ensued.

It appears to have been generally understood that the 1st of January was the day upon which all persons were to abstain from the use of cigars. The 1st however was a very rainy day, and scarcely anybody appearing in the streets, nothing took place. The following day, Sunday, the 2nd, the whole population crowded the principal thoroughfares, and at first hardly any one was seen smoking. Later in the day, however, several smokers appeared, both civilians and soldiers; the former were, for the most part, compelled by the crowd to throw away their cigars, and many of the latter were hissed and hooted. Disturbances being apprehended, strong bodies of infantry and police, and smaller parties of dragoons and mounted gendarmes patrolled the streets. A great crowd assembled opposite the main guard, and becoming very abusive, were driven back by the troops, in doing which the Podestà, or Mayor of Milan, who was

present with the view of quieting the people, was struck with the stock of a musket, but no serious affray took place.

On Monday, the 3rd, crowds began to assemble in the principal streets, and almost all persons, including soldiers, seen smoking, were insulted, and in some instances maltreated. Early in the afternoon a proclamation was issued by the police warning the people against these proceedings, and against assembling in crowds, under penalty of being instantly dispersed by the armed force. Towards evening, however, the crowds re-assembled and were dispersed by the troops, in doing which some persons were wounded. No shots were fired by the troops, but I am credibly informed that 2 shots were fired from a house near one of the gates of the town at some soldiers, who entered and ravaged the house, not sparing the inmates.

On Tuesday, the 4th, bodies of troops continued to patrol the streets, but all the soldiers, except those on duty, were confined to barracks. It is greatly to be lamented that this measure was not adopted sooner, for on the previous day, the 3rd, a great number of soldiers off duty, in parties of from 15 to 30 each, paraded the principal streets, each man with a cigar in his mouth, and between these bodies of men and the populace several collisions occurred, in which I regret to say little moderation was shown by the former, while many of the latter were wounded, and some lost their lives. It was natural that the soldiers, finding that when alone or in small parties they were liable to insult and attack, should unite together for protection; but in this case it had too much the appearance of wanton provocation, while it has afforded a pretext to the ill-disposed to assert that they were sent out on purpose to endeavour to bring on a collision. I lament to say very great irritation has been produced among the people in consequence of this proceeding, and although all reasonable persons admit the attempt to prevent others from smoking to have been unjustifiable and deserving of punishment, and indeed to have been the original cause of all the misfortunes that have ensued, the conduct of the military authorities in thus allowing bodies of armed men, without officers to control them, to parade the town in the midst of an unarmed population, is highly censured.

The number of persons killed in these affrays is stated to be 5, and about 30 wounded, but as many persons have not proclaimed their wounds, it is not possible to learn the exact amount. Unfortunately, as too often happens in such cases, many of the victims were perfectly innocent, having been led into the crowds by accident or curiosity. One attempt was made by the populace to cut the bridles of a patrol of cavalry, in a narrow street, but for the most part the people were without any arms.

Since the morning of the 4th the troops have remained in
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barracks, excepting the patrols on duty, and I trust I may not have to report any further excesses; but such is the feeling of exasperation at this moment, that the slightest collision may produce the most serious consequences.

I have the honour to inclose copies of the proclamations issued by the Municipality and the Viceroy. Your Lordship will perceive that the proclamation of the Municipality, who are desirous of conciliating and keeping well with the people, alludes to the original act of intimidation as being the act of persons desirous of recalling into vigour a law that had been allowed to fall into disuse. In explanation of this, it is necessary to state that a law is in existence, but has long ceased to be observed, forbidding all smoking in the streets. The idea, however, of persons having united for the purpose of enforcing this obsolete regulation is an afterthought unworthy of being put forward.

In the meantime the promoters of the plan to give up smoking are, I understand, not a little alarmed at the turn the affair has taken. It is curious how readily this idea, which certainly did not originate with them, has been caught up by the middle and lower classes. Accounts have been received here of a simultaneous movement to the same effect at Como, Brescia, Cremona, Mantua, and other towns in Lombardy, attended, however, as far as I have learnt, with no serious results.

Deputations from the principal Milanese families have waited upon the Viceroy and the Governor, deprecating the conduct of the soldiery; and it is owing to their representations, I believe, that the troops remain confined to barracks.

Various arrests have been made by the police, and, among other measures, the club to which the young men of the chief families of Milan belong has been dissolved by order of the Government. The principal Milanese have determined to put on mourning in memory of those persons who have lost their lives, and to abstain from going to the theatre for 3 days.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure 1.)—*Proclamation issued by the Municipality of Milan.*
(Translation.) January 4, 1848.

THE MUNICIPALITY OF THE ROYAL CITY OF MILAN.

CITIZENS!

NOT long since your magistrates addressed you with words of gladness, they now speak to you in tones of sorrow. Painful scenes have saddened our streets; alarm has invaded the unarmed people; many families are in mourning.

Your representatives have not failed in efforts to arrest, as far as was in their power, the arm of rigour, but the efforts of their good-

will would not have the desired effect without your co-operation in the holy object of peace and tranquillity.

Some persons thought they ought to take on themselves the duty of censors, in order to enforce a law against smoking in the streets, which has gradually fallen into disuse. Such a matter is for the attention of those who are constituted to guard the laws, and impose no obligation on those who do not think themselves bound to observe them.

Citizens! respect for the laws and for the free exercise of those individual rights not limited by the laws, constitute the guarantee of civil society. Let those sacred principles be respected by you, and may no one allow himself to disown authority, or to molest any one in the exercise of his rights.

If your magistrates have, as they flatter themselves they have, that influence over your minds which is given only by the trust you put in them, show it by attending to this invitation. Those who now address you are citizens from your own body, who partake every interest with you. Hear them, and thereby give them the best earnest of your kind feeling towards them, which will serve to keep alive more brightly that fire of the love of good which guides them, and induces them to take every measure for the welfare of all.

CASATI, *Podestà*.

BELLOTTI, *Assessor*.

V. CRIVELLI, *Assessor*.

MAURI, *Assessor*.

BERETTA, *Assessor*.

GREPPI, *Assessor*.

BELGIOJOSO, *Assessor*.

SILVA, *Secretary*.

(*Inclosure 2.*)—*Proclamation issued by the Viceroy of Lombardy.*
(Translation.) *Milan, January 5, 1848.*

The Viceroy of the Lombardo-Venetian Kingdom to the Inhabitants
of the Royal City of Milan.

THE ever-deplorable events which have taken place within these last days in Milan, have produced grievous feelings of sorrow on my mind, and have inflicted a deep wound on my heart.

After so many undoubted proofs of attachment to His Majesty's person and Government on the part of the inhabitants of these provinces, even in difficult times, it was quite unexpected by me to see a part of this population, so pacific and respectful to authority, allow themselves these few days to be carried out of their ordinary behaviour by the impulse of a few bad men, who, hostile by disposition to every sort of authority and order, are delighted in disseminating discontent, and in promoting its unhappy consequences.

The regular march of every administration may always demand progressive improvement. Turbulent manifestations could have no other result than to retard the supreme decision in such improvements, and would disappoint my best founded hopes, because I could not then bring before His Majesty's throne those wishes which would not have in their favour the support of that moderation which is so desirable.

In the meantime, while it is my anxious wish to watch over the personal safety of all the inhabitants of this city, it is also my strict duty not to allow any combination of private wishes to presume to interfere with individual liberty, secured as that is by our wise laws.

Beloved Milanese! I have before this received proofs of your attachment to me also, and I now confide in your well-known prudence and moderation. Be then tranquil; trust in him who is placed over you for the direction and careful guidance of your affairs, and you will shortly know that the benevolence of the sovereign is able to provide for the public good.

RANIERI.

No. 23.—The Hon. R. Bingham to Visc^t. Palmerston.—(Rec. Jan. 14.)

MY LORD,

Turin, January 8, 1848.

I HAVE the honour to inform your Lordship that a deputation from Genoa, consisting of the Marquis Doria, the Marquis Balbi, and other influential persons, arrived yesterday afternoon in Turin, charged with a petition, with many thousand signatures affixed to it, praying for the expulsion of the Jesuits from Genoa, and the establishment of a civic guard there.

I have, &c.

Viscount Palmerston, G.C.B.

RICH. BINGHAM.

No. 30.—Sir G. Hamilton to Viscount Palmerston.—(Rec. Jan. 18.)

MY LORD,

Florence, January 9, 1848.

SINCE I last had the honour of addressing your Lordship, the public tranquillity has again been seriously disturbed at Leghorn.

A clandestine publication of the most mischievous and seditious tendency, and of which I herewith transmit a copy in original and translation, was circulated by some factious individuals, and gave rise by its inflammatory language to scenes of the greatest disorder.

On the evening of the 6th instant, a considerable crowd collected before the Governor's house, and were clamorous for arms, many of them tried to force their way to the Governor's apartments, but were prevented by the civic guard on duty.

On a squadron of dragoons appearing, they were insulted by the people. The Governor, General Sproni, then appeared on the

balcony, but the people would not listen to him, and he was treated with contempt. He desired them to send a deputation to state their grievances, and the people responded by naming Dr. Guerazzi, as their sole deputy. Dr. Guerazzi refused to obey the summons of the people, until his presence was requested by the Governor; and when at length he did appear, and came forward on the terrace, he asked the thousands assembled what they wanted; they replied, as one man, "arms." He said "Livornese! if you want arms you apply in the wrong quarter, for the Governor has no money or authority to buy arms. You want arms, and you are right, for the enemy threatens you, but you must apply at Florence."

A deputation was then nominated to convey the complaints of the people to the Grand Duke, and Guerazzi having called upon the assembly to disperse quietly, they did so immediately.

As soon as this state of things was known at Florence, the Government sent an extraordinary commission to Leghorn, at the head of which is the Marquis Ridolfi, Minister of the Interior, in order that they might examine into, and report upon, what had occurred, and the Grand Duke also sent all the disposable troops remaining in Florence, by railroad to Leghorn, and has published a proclamation, of which I have likewise the honour to transmit a copy in original and translation.

Since I began this despatch, I have received a letter from Her Majesty's Consul at Leghorn, informing me that the aspect of affairs in that town is by no means satisfactory. The Lieutenant-Colonel of the first battalion of the civic guard has sent in his resignation in consequence of the late events, and it is supposed that his example will be followed by other officers. The Lieutenant who commanded the dragoons on Thursday night is reported to have said to the crowd, "we are here because we have been ordered out, but you may rest assured that we are determined not to act offensively towards you." The Consul adds, that the general impression appears to be, that the troops have been allowed so completely to fraternize with the people that they would not, if called upon, act against them.

It is satisfactory to learn, that at Florence, Sienna, and other places in Tuscany, the well-disposed inhabitants have sent loyal addresses to the Grand Duke in consequence of the recent proceedings at Leghorn.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure 1.)—*Popular Manifesto circulated in Leghorn.*

TUSCANS!

(Translation.)

BEFORE your conscience in the sight of the world, in the presence of history to watch your actions, to hand them down to the memory of posterity, or to the derision of scorn, you offered your lives and

fortunes spontaneously to assist your brethren of Fivizzano and Pontremoli.

Fivizzano was abandoned ; Pontremoli is to be abandoned ! Perjurers ! Why have you sworn ? Boasters, why have you boasted ? Cowards, why have you pretended to be brave ? Away, complaining slaves, learn to sleep quietly in the bed of your dishonour.

All the passes which descend into this country being occupied by the enemy, you are placed, as wrote an Italian, like beasts in an inclosure, a target for sportsmen.

The enemy despises you, and notwithstanding, adopts the most base and disgusting artfulness, in order that when he is upon you he may find the hearts of all debased, the hands disarmed, and that his coming in may be a military march.

The German will come, because by occupying Tuscany, he may cut off the continuity of the Italian States bound in the League, that he may separate Piedmont from Rome, isolate Charles Albert, strike fear among nations, and delay for an age the epoch of regeneration.

And our statesmen, our Ministers, trust to protestations of good alliance with the German, and to their own assurances that he will not intervene ; as if we did not know of what is capable the faith of an interested enemy, as if in the Cabinets the unjust doctrine of "acts accomplished" had not been annulled, which means injury to the weak who allows himself to be conquered, to the simpleton, who is deceived. He who is dead, is dead ; throw a little holy water on his bier, and sing a requiem over him !

Oh statesmen, oh Ministers, ye are traitors ! What signifies it to us whether you are so by perverseness or by folly, the consequence is alike ; you betray your country.

Out of our way, traitors and cowards ! vanish Arcadians, sophists, and doctrinaires ! the destinies of a people are a volume too great and heavy in the hands of eunuchs and pigmies.

The country is in danger ! Now then, as the time is coming, do you know how to save the country ? Oh Tuscans, we will tell you. Let those be called who fear not to die, and who have a heart full of sacred love of country ; and let them be placed, whether consenting or repugnant, at the helm of the State, in accord with the Prince ; let the country be declared in danger ; let public prayers be offered up to God not to abandon our cause ; let there be established permanently sitting commissions ; let public loans be opened ; let people be sent to provide arms with the celerity of thought ; let 300,000 pikes, armed with iron, and 2 of lances, be fabricated ; let furnaces be prepared for casting cannon, take copper and brass from the houses and the bells of churches, leaving only one for divine service, with a vow to return them still handsomer when security

to the country ; let the names of the volunteer to march against the enemy be inscribed upon the altars ; let the women be requested to prepare bandages, ligatures, and lint for the wounded, and they will do it, for they have more courage than men ; let the horses be collected from the luxurious rich for the transport of cannon ; let the servile be frightened with their roar the first time, and woe betide them the second.

With these and similar preparations the country is safe, and at all events, those who cannot conquer will die honoured, and leave an imperishable name, a legacy of reference for our children, an example of glory for the imitation of posterity.

Tuscans ! the country is in danger ; this cry, shall it be vain ? Shall the impious sect of traitors smother it ? We know it ; let it at least serve as a protest to make known that all Tuscans are not base, ignorant, and stupid, and the infamy will fall on him to whom it is due.

Infamy to traitors !

(*Inclosure 2.*)—*Proclamation of the Grand Duke of Tuscany.*
(Translation.)

TUSCANS !

January 7, 1848.

SOME enemies of order and public quiet, abusing, yesterday, at Leghorn, the patience of the Government, dared by the most odious publication and subsequent tumult, to compromise the majesty of the Throne, the security of the country, the local tranquillity, attempting the ways of disorder and anarchy.

Brave and faithful Tuscans, this is the moment I call you round me to give me a proof of that reciprocity of love of which you have already had on my part undoubted testimonies, of which I shall always offer you by my acts the most explicit guarantees.

No, fear not : be faithful and closely bound up with your Prince, as loving children to their common father, and be persuaded that no external danger hangs over you ; no difficulty which I do not feel able to overcome.

I am resolutely firm in my intention to fulfil the reforms commenced, and it is your duty fully to trust yourselves to my solicitude for your good.

But neither my work nor your hopes could be happily completed, without concord, without peace, without mutual confidence, and unless the law has full power among us.

The disturbance at Leghorn calls at this moment all my attention, and, strong in my right, and still more anxious for your welfare, I will re-establish tranquillity in that important city ; and in order to obtain this object I place my trust in the arms of the citizens,

and trust more to them than to myself the safety of the common country.

Given the 7th of January, 1848.

V. F. CEMPINI.

LEOPOLDO.

L. ALBIANI.

No. 31.—*The Hon. R. Bingham to Visc^t. Palmerston.*—(Rec. Jan. 21.)
(Extract.) *Turin, January 13, 1848.*

I HAVE the honour to inclose herewith to your Lordship a report which I have received from Mr. Consul Brown relative to the late occurrences at Genoa.

Viscount Palmerston, G.C.B.

RICH. BINGHAM.

(*Inclosure.*)—*Mr. Consul Brown to the Hon. R. Bingham.*

SIR,

Genoa, January 11, 1848.

I HAVE the honour to inform you that I witnessed the great procession which took place here of perhaps 40,000 or 50,000 persons, on the 10th December; it occupied the whole day; there was not the slightest disturbance; though not one soldier, not one policeman appeared. Its professed object was to commemorate the centenary of the Austrians being driven out of Genoa. Since this, nothing of any importance had taken place until the 3rd of this month; on that night, several (from 4,000 to 6,000) persons marched about the town, crying "Away with the Jesuits!"—"We want a civic guard!" While doing this near the Jesuits' church, the noise of a cart approaching caused a panic; the cry was, "The cavalry are coming!" and all the populace took to flight. This occasioned confusion, and several people were injured, many hats, cloaks, &c., were lost; the chief mischief occurred from the construction of the street which formed the principal line of egress to the crowd: one part of the street is 4 or 5 feet lower than the main path on which carriages go, and there is nothing but a weak wooden rail to separate the two. By the pressure of the mob, this rail was broken down, and row after row of the people fell one over the other; hence many contusions took place. But the really bad result was this—that the runaways having been laughed at, determined the next night to attack the Jesuits' college. The new Governor, hearing this, sent for the so-called Doria Committee, who then, to stave off mischief, opened a public subscription to intreat the King to dismiss the Jesuits from the Sardinian States, and to grant a civic guard. This subscription or petition received in a few hours 20,000 signatures. On the 6th a deputation, bearing this, started for Turin, from whence they returned discontented.

Yesterday a proclamation was issued by the Governor. I send

you a copy. The expression "Le demande sediziose," is too strong; in short, not founded in fact. This proclamation has caused great irritation, and has in many places been torn down.

The Jesuits have given up the keys of the church, and as a body they have left the place; 2 only remain in the palace, prepared to give up the keys of it when called upon so to do. The Municipality have withdrawn from them the ordinary allowance of 40,000 francs per annum, so that, for the time at least, they are not intrusted of the youth of Genoa.

This morning, 500 of the Queen's regiment have arrived at St. Pier d'Arena as a reinforcement, and will, I presume, come in to-morrow.

It has just come to my knowledge that the Père Giordano, the head of the Jesuits, was insulted in passing St. Pier d'Arena, and the windows of his carriage broken by stones thrown; and that subsequently a knife was drawn upon him (harmless, however) when at Savona. Though a Jesuit, he is very generally respected, and is a man of considerable acquirements and irreproachable carriage.

I am, &c.

The Hon. R. Bingham.

T. YEATS BROWN.

No. 33.—Viscount Palmerston to Viscount Ponsonby.

MY LORD,

Foreign Office, January 22, 1848.

WITH reference to your Excellency's despatch of the 26th of December last, reporting the termination of the affair of Ferrara, I have to inform your Excellency that Her Majesty's Government have learnt with very great pleasure that this question has been amicably settled, in a manner satisfactory both to the Emperor and to the Pope.

H.E. Viscount Ponsonby.

PALMERSTON.

No. 34.—Sir G. Hamilton to Viscount Palmerston.—(Rec. Jan. 24.)

(Extract.)

Florence, January 14, 1848.

IN my despatch dated the 9th instant I had the honour to transmit to your Lordship a manifesto which had excited a violent commotion at Leghorn, directed against the Government for their supposed abandonment both of Fivizzano and Pontremoli.

This disturbance at Leghorn has elicited throughout all Tuscany general disapprobation, and called forth loyal addresses to the Grand Duke in support of public order throughout the country.

Encouraged by this manifestation, the Government sent the Marquis Ridolfi to Leghorn with full powers to take whatever measures he might deem necessary to restore public tranquillity in that city.

In the meantime the Grand Duke refused to recognize a deputation of the rebellious faction, which, by the advice of Guerazzi, had come

to Florence to make a demand for arms, on the pretext of an expected invasion by Austria.

The news of this rejection created fresh tumult at Leghorn.

The Marquis Ridolfi was received in silence by the multitudes who were expecting his arrival, when he entered the Piazza at Leghorn; but soon after a deputation came to him from the "Veneziani" or Porters, a formidable and numerous body at the port of that city, with an offer of their services to aid in repressing the insubordination, and making arrests.

This assistance was immediately accepted, and on the following day a strong force of the civic guard accompanied the soldiers of the line to the house of Signor Guerazzi, who, with others found in the same place and in the neighbourhood, were at once arrested.

14 persons altogether, including Guerazzi, were then embarked in a Government steamer, and dispatched to Portoferraio, in the Island of Elba. I am informed that if the authorities had been earlier in their proceedings, 40 or 50 more would have been taken, who contrived to escape.

The energy displayed, for the first time, by the Government, is generally hailed as a symptom of a better prospect in political affairs, by all those who honestly prefer the reformation of abuses to the subversion of all authority.

One of the first reforms petitioned for from the commencement, both at Florence and Leghorn, has been the destruction of the monopoly enjoyed by the "Faquini" of both cities who originally came from the Venetian States.

On this occasion they denounced the state of insubordination at Leghorn as unendurable, and they have probably indulged in a feeling of revenge, having had an opportunity of arresting and opposing those who have not been friendly to their interests.

I have not heard of any opposition being made by the Pontremolesi, when their territory was given up to the Duke of Parma on the 8th instant.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 35.—The Earl of Minto to Viscount Palmerston.—(Rec. Jan. 25.)
 MY LORD, *Rome, January 13, 1848.*

THE new year opened here inauspiciously with 24 hours of uneasiness and ill-humour, produced by ill-advised proceedings on the part of the public authorities against an imaginary danger.

In the middle of the night of Friday, the 31st of last month, the citizens of the civic guard were suddenly called out of bed to reinforce the different posts throughout the town, to the no little consternation of the inhabitants, who supposed that a revolution must have broken out.

In the morning it was found that the troops were posted in the court of the Pontifical Palace of the Quirinal, that the gates of the palace were closed, and that cavalry were drawn up in front of them; and the public then learned with surprise that this alarm and preparation had originated in information conveyed to the Governor, of an intended assemblage of the people before the Quirinal Palace to offer their new year's salutations to the Pope, which was to be made the occasion for popular violence or disorder.

The people, greatly incensed by this impeachment of their loyalty and by the easy credit which had been given to the notion of their insubordination and disorderly disposition, were with difficulty prevented from proceeding to the Quirinal to vindicate themselves and complain of their calumniators.

They were however at length induced to resort to the more regular intervention of their own chief magistrate, the Senator, and proceeding to Prince Corsini's, made known their wishes through a deputation.

The Senator at once consented to undertake their vindication; went to the Quirinal, soon satisfied the Pope of the deception which had been practised upon him; and when he left the palace, was able to assure the crowd who had followed him there, that the next day they should be satisfied with abundant proofs of the Pope's entire confidence in the people. This occurred late in the evening of Saturday, and the people then quietly dispersed.

During the whole of this day the Cardinal Secretary of State and the Pope had been kept in alarm by repeated communications from the Governor, the Chief of the Police, and the Commander of the Carabinieri, with information of tens of thousands of the populace marching upon the Quirinal; and they were at one time even made to believe that all the Piazza before the palace was actually occupied by a vast mob—there being in truth no one there.

The next day, Sunday, the people manifesting some impatience for the promised satisfaction, the Princes Borghese and Doria waited upon the Pope, who desired them to announce his intention of visiting all the quarters of the town, and of showing himself unguarded amongst his subjects. This he did, was everywhere enthusiastically cheered, and good humour was again restored.

The credulity and incapacity exhibited on this occasion by the Government has still further discredited it in public opinion, and has greatly increased the desire for a more efficient administration, which cannot be much longer resisted.

There is a strong belief, little short of conviction with all classes, that a deliberate plot had been formed to bring about a bloody collision between the populace and the troops; leading to disorders and insurrection sufficient to constrain the Government to seek a foreign support.

It is said, with truth, that had it merely been desired that the new year's salutations on the Quirinal should not take place, a simple intimation the day before of the Pope's wishes would have sufficed, and would have been respected on this as on all former occasions; that no such notice was given; that the procession was to have been suddenly arrested on its march by an armed force with orders to disperse it, which must have led to the most serious disasters; and that this is what would have occurred but for the timely exertions and influence of some private individuals who had prevented the meeting from taking place.

The false intelligence conveyed to the Quirinal through the whole of Saturday, in order to maintain the belief of a popular insurrection, and a display of hostile array against the people, calculated to irritate and provoke them, is also taken as evidence of a traitorous design.

It is difficult to say how much of these proceedings may be explained by the negligence, want of capacity, and mismanagement, pervading every department of the Roman Administration; but the existence of a design, by any means to bring about a rupture between the Government and the people is, I think, beyond all doubt.

For some time past every effort has been made in various quarters, and not altogether without success, to inspire the Pope with distrust of the moderate party, on whom the security of his Government and possibly of the Papal power itself really depends; and he is continually pressed, and occasionally induced, to adopt measures and assume a tone and language calculated to give offence and to shake the public confidence in his sincerity. On the other hand it has been observed that a good deal of active agitation of the ultra-Liberals is on foot among the lowest classes; that many strangers have joined them; and the suspicion of some early attempt to get up insurrectionary movements has lately prevailed amongst the well-informed.

From other parts of Italy the expectation of disturbance at Rome on the new year had been announced here, and it now appears that the 2nd and 3rd of January were signalized by disorder at Milan and Genoa as well as here; just as the occupation of Ferrara was contemporaneous with the disturbances at Rome in July.

I believe that much of all this arises from the restless eagerness of the Young Italy faction; but I also believe that there is in other quarters a great readiness to encourage whatever disorder may lead to an application for foreign protection.

The chief of the police and the commander of the Carabinieri have been dismissed; but the governor (a Corsican) retains his post, and it is said now pays his court to the ultra-movement party.

The events of the 1st and 2nd are likely, I think, on the whole, to produce a good effect in somewhat opening the eyes of the Pope to

the treachery by which he is surrounded. He is at least perfectly aware of the deception then practised upon him ; and in my subsequent conversation with him, as well as with the Cardinal Secretary of State, they both appeared to me to feel that a retrograde influence, both foreign and domestic, was at work to disunite the people and the Government.

I have, &c.

Viscount Palmerston, G.C.B.

MINTO.

No. 36.—The Earl of Minto to Viscount Palmerston.—(Rec. Jan. 25.)

MY LORD,

Rome, January 15, 1848.

I INCLOSE the copy and translation of an address to the Consulta di Stato, which was presented a few days ago.

This address was got up in the "Circolo Romano," a political society exercising great influence here and having amongst its members those who hold the highest station in rank or talent. The address, which is the composition of an individual who can scarcely claim to be one of the moderate party, is injudiciously drawn, particularly towards the close, which has a tone of menace.

For this reason some refused to sign it, and others only consented from deeming it absolutely necessary to bring an expression of public feeling to bear upon the Government, although not couched in terms which they could quite approve.

The object of this proceeding was to represent the disorganised condition of the Roman army, and the abuses prevailing in the administration of that branch of the service, and to require that the defensive force of the country should be made more efficient. This is a subject which has very much engaged the attention of the public here, in consequence of the great military preparations of Austria in Lombardy.

This address, placed in the hands of the President of the Consulta by a deputation consisting of the Prince Teano, the Duke of Lanti, and Angelo Brunetti (Ciceroacchio), was delivered to the Cardinal Secretary of State, who, finding that the mal-administration complained of really existed, consented to receive the address, without looking too nicely into any expressions which might give offence.

The proceeding itself has an importance not otherwise belonging to it, as the first example of a public appeal to the Consulta di Stato.

The nominal strength of the Papal army, in regular and police force, is I believe between 18,000 and 20,000 men. Its actual strength does not exceed 12,000 or 13,000, of which about 3,000 Swiss alone are good for anything.

The civic guard of the Roman States consists of about 118,000 men, but a very small proportion of these are yet armed or thoroughly organised.

I have, &c.

Viscount Palmerston, G.C.B.

MINTO.

(*Inclosure.*)—*Address presented to the Consulta di Stato.*

GENTLEMEN,

(Translation.)

A SUPPRESSED agitation, continually on the increase, has for some days prevailed in this city.

The idea that in one moment we may lose, not only all the good derived from the reforms granted by our excellent Prince, but also all freedom of action and all progressive development of the national prosperity, has taken so strong a hold of the public mind, that a popular demonstration is to be dreaded, energetic, universal, and perhaps incurable.

In order to prevent these movements which might become violent; to preserve legal forms in making known to our Sovereign the wishes of the people; we, who ourselves belong to that people, and who are well acquainted with its thoughts, and who have so deep an interest in the maintenance of the peace, and in watching over the security and the dignity of our country, have recourse to you, oh! illustrious counsellors, to make known to you the real sentiments of Rome, and to conjure you to make yourselves the interpreters to the Throne of our wishes, and to become the mediators of peace and of the public weal.

When the independence of a State is threatened by a powerful enemy, it becomes the supreme law, the sacred right of a people, to provide the means of insuring its own safety.

The aggressive designs of Austria against Italy are no longer a secret to anybody. Arrogating to herself the right of occupying by a military force those States which may call for her assistance, without demanding the consent of the other Italian Governments, without even sufficient grounds to serve as a pretext for occupation, Austria is seeking to make herself the mistress of our destinies. Modena is already invaded; the people of Parma, menaced by Austrian arms, ready to rush in at the first sign from the Duke, is reduced to silence. The Neapolitan Government replies to the supplications and to the cheers of its people, with imprisonment, because it is aware that German bayonets are at its service. Ferrara, in spite of repeated promises, is not yet free from Croats; Vienna is still sending fresh regiments towards Italy, and is placing her army upon a war footing. is augmenting the pay by a third, preparing siege-artillery, and is making ready all the appliances of war necessary for entering into campaign.

In the midst of these signs prognosticating invasion, while the public papers in Germany speak openly of war; while the partisans of the ancient system of oppression are again raising their heads, and are conspiring against the people; those Italian Governments, which with admirable concert, united together to march in the track of reform, should now lay aside every thought but that of the defence

of our common country and of Italian independence. It would now be stupidity to repose upon the faith of Treaties, ignorance of history to rely upon the force of reason, and insanity to put faith in the power of protests.

Italy, awakened by the sound of foreign arms, has perceived her danger, and from every side rises a sudden exclamation calling upon Princes to protect her threatened independence. Tuscany is already engaged in re-organizing her troops, in arming in haste her civic guard, and is preparing for her defence; while Piedmont is refusing furlough to her soldiers, calling out her contingents, and is arming her fortresses. And we, who are the first mark for the anger of the enemies of our country, because we were the first to give the signal of its resurrection, must not now be the last to prepare for the defence of our Prince, of our laws, and of our country. But our army, although composed of so many brave and excellent soldiers, considered individually, is nevertheless become a feeble and inert body, for want of a regulating mind, for want of harmony in its movements. For the purpose of subjecting it to the tyrannical ambition of a few, it was sought for a long time to convert it into an instrument of persecution and oppression; and yet in respect of generous sentiments, courage, and sense, it was worthy of being a well-organized army, to which the State could with safety confide the defence of the lives and substance of its citizens. Let it also have new life infused into it by fresh and wise arrangements. Let it return to a strict system of discipline, to an upright administration, and let it recover, with its dignity, a sense of its duties. Let its equipments, at present poor and neglected, be renewed; let its forces, now dispersed, be concentrated; let preparations be augmented and hurried forward; but, above all, let our army be provided with commanders, active and brought up to arms, of tried valour, and deservedly inspiring confidence by the constancy of their opinions in favour of progress and Italian civilization.

This is at present the demand of the Roman people, and to its demand must be added those of the provinces and the wishes of the entire body of officers. It is well known to you that more than 200 signatures of officers were affixed to an address by which the remodelling of the Pontifical army was respectfully required; and this address, in which we all heartily concur, was presented to the authorities by the worthy Colonel Hovast, who witnessed first its acceptance and then rejection, probably because it is not thought desirable that a single ray of light should penetrate into that dark abyss termed Military Administration.

And in order that its just demands should reach the throne of its Sovereign, the people of Rome confides them to you, oh! faithful and loyal counsellors of the Government, to you who come from the

provinces, who having constantly resided in the midst of the people, are acquainted with all its grievances, with all its wishes, to you who were summoned here to propose an effectual remedy and complete redress.

You will say in our name, that we place in the hands of our Prince that which is dearest to us in the world,—the independence of our country. You will say to him that this people is prepared for any sacrifice, that all the youth is ardently desirous to hurry to the spot where a patriotic defence may require its presence.

The generous offers of the municipalities and the voluntary subscriptions sufficiently prove the spirit by which the multitude is animated. Why has it been sought to stifle this noble and patriotic sentiment; why were even the donations made for the purchase of cannon refused; and the very cannon offered by Milan and Genoa?

The confidence of the people must no longer be trifled with; the Pontifical army must be made to acquire that strength and brilliancy which it deserves, and which circumstances require. The civic guard must be more actively and expeditiously organized throughout the State. But should the counsels prevail of those who term our fears visions, and who would lull us asleep, oh! illustrious counsellors, you would then say respectfully, that the people is determined to make use of that impulse which calls in to its aid every means, when there is a question of defending Prince, laws, substance, liberty, in short all that constitutes a country.

That if, in the midst of the efforts required to arm a multitude, and in the universal excitement which is necessary to induce a people to make every possible sacrifice, prudence should not always be able to assign limits to the public enthusiasm, and the voice of moderate men should no longer be listened to, then let the blame and the penalty fall upon those who deceive Governments and betray the people, by concealing from the former the real state of things, and by driving the latter, as a last resource, into illegal measures upon seeing their unjust demands despised.

No. 37.—The Earl of Minto to Viscount Palmerston.—(Rec. Jan. 25.)

MY LORD,

Rome, January 16, 1848.

HAVING learned that the Pope had again appeared to hesitate in announcing his consent, which was understood to have been obtained, to the demand of the Consulta di Stato that they should have the power of making their proceedings public, and that he had declined to give his decision till he should receive an answer to a reference that had been made to Turin for the opinion of the King of Sardinia, I felt the proper decision of this question to be so important that I requested Mr. Abercromby to write immediately to the Count St. Marsan, making him aware of the absolute necessity for the con-

cession, if a good understanding was to be maintained between the Government, the Consulta, and the public. The objection to this concession seems to have been revived in a quarter where I should not have expected it, the Government of Florence; and the demand appears to have been represented by M. Martini as evidence of the expediency of establishing a concert between the Courts of Florence, Rome, and Turin, for an uniformity of proceeding, which should impose a limit to concession, but which is quite impracticable in 3 States differing so entirely in their institutions, in their circumstances, and in the character of the people.

The Ministers of Tuscany and Sardinia here have also been induced to write strongly to their respective Courts, representing the evil consequences which must ensue from a denial of the demand made by the Consulta, and I have, through a private channel, conveyed my own very decided opinion to the Marquis Ridolfi, at Florence, so that I trust that any disposition which may have existed to counsel the Pope to withhold his consent may be overcome. There can be no doubt that the publicity of the proceedings of the Consulta di Stato is the basis upon which every hope of improvement in the Government of this country must rest; if this is refused, the most important members of that body will withdraw from it, and all confidence in the Government will be at an end.

I have, &c.

Viscount Palmerston, G.C.B.

MINTO.

No. 38.—*The Earl of Minto to Viscount Palmerston.*—(Rec. Jan. 25.)

MY LORD,

Rome, January 16, 1848.

THE decision and vigour manifested by the Marquis Ridolfi and the Tuscan Government, in dealing with the turbulence of Leghorn, has given the greatest satisfaction here, even in quarters where I could scarcely have hoped to find it.

I have endeavoured to turn this to some account here, as evidence of the energy which a Government may safely exhibit, when it has the confidence of the public, which is far from being the case at Rome.

In the course of a few days, the successor to Cardinal Ferretti, as Secretary of State, will be announced, and it is possible that this may be followed by further changes in the administration. In Cardinal Ferretti the Pope will lose a thoroughly honest and attached friend and Minister; but his previous habits and pursuits had not been such as to familiarize him with the conduct of public affairs, and this disadvantage no one felt so strongly as himself. It was indeed with great difficulty that he has been prevailed upon to retain his post so long.

[1848—49.]

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The death of Cardinal Massimo, a few days ago, made a vacancy in a department of the public works, which it was hoped might be given to a layman; the public expectation has however been disappointed by the choice of an ecclesiastic of the retrograde party and without talents to recommend him.

This is the more distasteful as in this case a Minister eminently qualified for that office was at hand.

The appointment, however, is announced as only provisional; but even as such it has a good deal lowered the hopes of much improvement in the composition of the Ministry, which I nevertheless still believe that the Pope intends to effect.

I have, &c.

Viscount Palmerston, G.C.B.

MINTO.

No. 39.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received January 27.)

MY LORD,

Turin, January 22, 1848.

I HAVE the honour to transmit herewith to your Lordship a printed copy in Italian, together with a translation into English, of an order of the day addressed by Field-Marshal Count Radetzky to the Austrian troops stationed in Italy.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—*Order of the day addressed by Marshal Radetzky to the Austrian troops in Italy.*

(Translation.)

Milan, January 18, 1848.

HIS Majesty the Emperor being determined, according to his rights and duties, to defend the Lombardo-Venetian Kingdom, as well as every other part of his dominions, against all attacks of an enemy, either from without or from within, has allowed me, through the Court Marshal intrusted with the order, to make known to all the troops of the army stationed in Italy, this his determination, persuaded that his will will meet with the firmest support in the valour and fidelity of the army. Soldiers! you have heard the words of the Emperor, I am proud to make them known to you; against your fidelity and your valour the efforts of fanaticism and of the infidel spirit of innovation will be broken like brittle glass against a solid rock. The sword which I have borne with honour in so many battles during 65 years, is still eager for action. I will know how to make use of it to defend the tranquillity of a country a short time since most happy, and which a mad faction now seeks to plunge into misery. Soldiers! our Emperor relies upon you, your old general trusts in you: let this suffice.

Let them not oblige us to unfold the banner of the double-headed eagle; the strength of its talons is yet unimpaired. Let our motto be; Defence, and tranquillity to faithful and friendly citizens, and

destruction to the enemy who shall dare with a treacherous hand to disturb the peace and welfare of nations.

The present order of the day will be notified to all the corps in their respective languages.

No. 40.—Consul-General Dawkins to Viscount Palmerston.

(Received January 28.)

MY LORD,

Venice, January 18, 1848.

I HAVE the honour to acquaint your Lordship that the example of the Central Congregation of Milan has been followed by that of Venice, who have demanded the appointment of a committee to take into consideration the state of the country, with a view to the removal of the causes of the existing discontent. Though the Venetian provinces, as I have already stated, have hitherto been much more tranquil than the provinces of Lombardy, they appear now disposed to make common cause with the latter, and it is surprising to perceive the change that a short time has brought about. When I left Venice, early in November last, everything was perfectly quiet, and although some little excitement had been produced by the speeches delivered by a few persons during the sitting of the Scientific Congress, society was upon its accustomed footing. Now, however, it is quite different; the Venetians have adopted the system of the Milanese, and there is hardly a Venetian house into which an Austrian is admitted. This determination has been come to very unwillingly by many, but they act under a system of intimidation that is carried on to a degree scarcely credible. Persons supposed to have a leaning towards the Government are held up to public execration, and their names are written upon the walls as traitors to their country. In the meantime, excepting constant interrogations by the police, nothing appears to be done by the Government, and it is really deplorable to see the dilatory manner in which affairs are carried on. The want of some all-controlling hand is most severely felt, and is admitted by the local authorities themselves, who bitterly complain of the delays of the Government at Vienna, from whence they can get no answers to their repeated representations. This is most evident at the present moment at Milan, where decisive measures are called for, but where no person seems to know who is the head of the Government. The Viceroy, the Governor, Count Spaur, the Commander-in-chief, Marshal Radetzky, Count Ficquelmont, and the Director-General of Police, each exercise authority, while no one appears responsible for the measures that are adopted. The only thing that is actually in progress is the augmentation of the army; and notwithstanding the unfavourable season of the year, troops are arriving almost daily in these provinces. I fear these troops arrive, for the most part, with a

hostile feeling towards the inhabitants generally, which will acquire strength from contact with the regiments already quartered here, between whom and the people the feeling of irritation is very great. At Milan, as I have already said, this feeling especially exists; but I do not think that anything in the shape of an open provocation is meditated at present by the Milanese. On the contrary, they appear anxious, as long as possible, to keep their demonstrations within bounds, so as not to afford any pretext for interference to the Government, and thereby perhaps still more to embarrass it. Should, however, a collision ensue between the troops and the people, and a very slight thing may bring it on, the consequences, I fear, would be extremely serious.

I may here mention another demonstration made by the Milanese, of which no one seemed to be aware until it actually occurred. It has been the custom on Sundays and holidays for the inhabitants to assemble on a part of the boulevard called the "Corso Francesco," which on those occasions is thronged with carriages and persons on foot. On Sunday the 9th, being the first holiday after the unfortunate events that occurred on the 3rd, the Corso Francesco was deserted, while that part of the boulevard in the neighbourhood of the gate leading to Rome was densely crowded. The Milanese have now selected this spot as their place of resort, and have christened it "Corso Pio Nono," not choosing any longer to frequent the Corso Francesco, so called after the Emperor Francis. The remarkable unanimity which has prevailed in the demonstrations hitherto made, has caused the authorities to be persuaded of the existence of a secret directing committee, and they are unremitting in their endeavours to discover its members. Although, however, well acquainted with various persons avowedly hostile to them, and who certainly exercise great influence, the Government have not hitherto, I believe, succeeded in detecting the members of any regularly organized society; nor do I think that as yet any such exists in these provinces, to the extent at least imagined by the authorities.

A disturbance took place a few days ago at Treviso, in which I understand the military were the aggressors. Strict inquiries are being instituted by the military authorities, who, after what has occurred at Milan, cannot be too rigorous in enforcing discipline. At Padua, also, disturbances have taken place, originating with the students. Some of the latter have in consequence been sent off to serve in regiments in the interior, to which regiments I am informed they were nominally attached by the conscription, though they would never have been required to join, had they tranquilly pursued their studies.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

No. 41.—The Earl of Minto to Viscount Palmerston.—(Rec. Jan. 28.)
 MY LORD, *Rome, January 18, 1848.*

THE Consulta di Stato yesterday agreed to a report recommending a reorganization and increase of the army, the speedy completion of the arming of the civic guard, and the organization and arming of the reserve of the civic guard.

This last, from the composition of the reserve, is a measure of questionable policy, unless for defence against a foreign enemy, for which it is better adapted than what is called the active civic guard, composed of persons above the class of peasants.

The menacing attitude of Austria, and the impression everywhere produced by the massacres at Milan and Pavia, have led to an impatient desire for defensive preparation.

I have, &c.

Viscount Palmerston, G.C.B.

MINTO.

No. 42.—The Earl of Minto to Viscount Palmerston.—(Rec. Jan. 28.)
 MY LORD, *Rome, January 18, 1848.*

I WAS this morning informed that Count Lützow yesterday endeavoured to sound Cardinal Ferretti as to the reception which an application for the passage of Austrian troops through the Papal territory, for the succour of the King of Naples, might obtain from the Pope.

The Cardinal replied, a peremptory refusal; that the proposal was one not to be entertained. That any forcible attempt to execute it would be resisted. That he himself was about to proceed to the frontier, which he would defend in person to the last drop of his blood.

Count Lützow, not satisfied with this reply, insisted upon seeing the Pope himself, from whom he received an answer, though couched in more courteous terms, equally firm and explicit.

Your Lordship will understand that no formal application was made for the passage of the Austrian troops; Count Lützow only desiring to be informed how such a demand would be received.

I have, &c.

Viscount Palmerston, G.C.B.

MINTO.

No. 43.)—The Hon. R. Abercromby to Viscount Palmerston.
(Received January 30.)

MY LORD,

Turin, January 22, 1848.

ON my return to Turin I took an early opportunity of calling upon Count St. Marsan.

I found the mind of the Count much engrossed by the turn which affairs in Italy have lately taken, and not altogether free from apprehension that Austria meditates striking some sudden and unexpected

blow against the States of those Sovereigns of this peninsula who have voluntarily granted administrative reform.

Count St. Marsan does not anticipate that Austria will attempt to execute any such project against the States of His Sardinian Majesty, but he evidently did not feel confident that Tuscany was completely safe from such a danger.

The Sardinian Minister for Foreign Affairs argued that the military preparations now making by Austria in Lombardy, the conduct of her public men, and the language held by those in the official employ of the Austrian Government in various parts of Italy, were all circumstances which induced him to suspect that Austria entertained more serious intentions than she openly avowed.

He remarked that supposing the projects which he suspected Austria to entertain to be well founded, she might by a sudden move enter Tuscany, and before any assistance could be afforded to the Grand Duke and his people, she might be able to effect her object of striking a blow at the Liberal party in that country. He admitted that any prolonged occupation of Tuscany by Austrian troops was not likely to occur; but he seemed to fear that in the hope of being able to make an example of some of the leaders of the liberal movement in Italy, the Cabinet of Vienna might not be unwilling to have recourse to some measure such as he had described.

I replied, that certainly there were circumstances connected with the policy which Austria has of late been pursuing, which it would be difficult to explain otherwise than by their being the prelude to some act by which she hoped effectually to stop the progress of liberal opinions and to check the opposition to Austrian interests and principles which at present pervades Italy. But that when I admitted that grounds so far existed for the apprehensions he entertained, I must also add, that there appeared to me to be on the other hand so many cogent reasons to prevent Austria from following the course he had indicated, that I could not believe the danger to be so pressing as he imagined. It was impossible now, whatever may have been the case formerly, that the Cabinet of Vienna should be ignorant of the true state of public feeling in Italy; they must be aware, however easy it might be for them to make a sudden irruption into the territory of the Grand Duke of Tuscany, that the passage of a single company of Austrian infantry across the frontiers, either of Tuscany or of the Papal States, would be the signal for a general rising throughout the whole of Italy; that no Government in Italy would be able to control or suppress such a movement; and that anarchy and confusion must inevitably follow such an insurrection.

Such being the conviction to which the Austrian Cabinet, however unwillingly, must have come, the adoption of such a measure as he feared could alone be explained by the determination of Austria to

run all risks rather than forego the hazardous policy of attempting to put down by force the liberals of Italy.

That Austria, single-handed, should, in the present internal condition of the Austrian Empire, voluntarily create such difficulties for herself in Italy, appeared to me to be improbable, and therefore I could not seriously believe that she would act in a manner so contrary to her true interests.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 45.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received January 30.)

MY LORD,

Turin, January 24, 1848.

By a Royal Decree published this evening in the "*Piedmontese Gazette*," His Majesty the King of Sardinia directs that the extraordinary members of the Council of State, indicated by the IIIrd Article of the Royal Edict of the 8th of August, 1831, are to assemble in general extraordinary session at Turin, on the 15th of next March, to deliberate upon certain important questions of finance.

The convocation of the Council of State, with the addition of the extraordinary provincial members, to take into consideration in an extraordinary session, certain questions of finance, is the accomplishment, for the first time, of an engagement taken by His Sardinian Majesty, at the moment when His Majesty created the Council of State in 1831.

It is a measure that has long been desired by the country, and more especially since the commencement of the internal reforms of this kingdom, and its adoption now, will, I feel confident, be received by the public as an additional proof, if such be wanting, of His Majesty's sincere and honest desire to fulfil the hopes and expectations which his recent declarations were calculated to raise.

The Royal Decree of 1831, by which the Council of State was created, and by which the faculty of appointing extraordinary counsellors to meet in a general extraordinary session was also accorded, limited the deliberation of the Council so augmented to questions of finance alone, and consequently the present decree of convocation does not extend the discussion of the Council of State in the approaching extraordinary session, beyond the limits originally prescribed.

The point, however, to which the public attaches the most importance is, that the extraordinary members being selected in order to represent the interests of their respective provinces, an approach is thereby made towards the application of a more representative system in the administration of the affairs of this country.

The elevation of his Excellency the President Borelli, and of the Marquis Alfieri di Sostegno, to the posts of Cabinet Ministers, and

the resignation of the bishopric of Pignerol by M. Charvaz, having occasioned three vacancies amongst the extraordinary members of the Council of State, His Sardinian Majesty has been pleased to supply their places as follows :

Monsignor Luigi Nazari di Callabiana, Bishop of Casal, *vice* Monsignor Charvaz.

For the division of Turin,

Prince Emanuele dal Pozzo della Cisterna, *vice* his Excellency the Marquis Alfieri di Sostegno.

For the division of Cuneo,

Marquis Stanislao Cordero di Pamparato, *vice* his Excellency Count Borelli.

The Bishop of Casal is a liberal, and replaces the ex-Bishop of Pignerol, a man noted for his illiberal and bigoted views on all subjects, temporal as well as ecclesiastical.

The Prince della Cisterna was seriously compromised in the affairs of 1821, and was for many years unable to return to this country in consequence of his liberal opinions.

The Marquis di Pamparato is said to be a calm and sensible man ; he is, however, better known as a personal friend of the King, and enjoying much of his Sovereign's confidence and favour.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 47.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, February 1, 1848.

WITH reference to your despatch of the 22nd ultimo, reporting the apprehension entertained by Count St. Marsan that Austria meditates striking a blow against those States of Italy who have voluntarily granted administrative reforms, I have to instruct you to say to Count St. Marsan that the Austrian Government positively disclaims all intention of interfering by the force of arms in the affairs of any of the States of Italy ; and that Her Majesty's Government, for many reasons which it is unnecessary to detail, are inclined to think that in this disclaimer the Austrian Government is sincere. At the same time it behoves the Government of Italy to be on their guard, and not to allow themselves to place too much confidence in mere verbal assurances.

It is, however, to be borne in mind, on the other hand, that it may be the policy of the Cabinet of Vienna to instruct its agents in Italy to hold language calculated to inspire the notion that Austria is about to interfere, because the Austrian Government may hope to be thus able, by intimidation alone, to check, in some degree, the progress of events which are at variance with its policy and wishes.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 48.—*Sir G. Hamilton to Viscount Palmerston.*—(*Rec. Feb. 1.*)
 MY LORD, *Florence, January 24, 1848.*

I HAVE the honour to transmit to your Lordship a despatch from Mr. Petre, at Rome, stating that a layman has been appointed Minister of War, and that the new Council of State has, in answer to the popular appeal for arming and organizing a greater military force, voted for that measure, but under present financial circumstances the Roman Government will probably pause before carrying such a plan into execution, not being able to count upon the services of a native force for repressing internal disturbance.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Mr. Petre to Sir George Hamilton.*

SIR, *Rome, January 18, 1848.*

I HAVE the honour to report to you, for the information of Viscount Palmerston, that the long-looked for appointment of a layman to the post of Minister of War ("Ministro delli Armi") was officially announced yesterday evening in the new journal "*Gazetta di Roma*," which is henceforth to be the sole official paper, the "*Diario di Roma*" and the "*Notizie del Giorno*" ceasing to appear. Lieutenant-General Prince Gabrielli is the officer chosen by His Holiness. The nomination of a layman to an office which has ever been held by ecclesiastics, and which gives him a seat in the Council of Ministers, has caused much satisfaction; and the principle once admitted, that a layman can take part in the general administration of the country, it is hoped that other departments, especially the judicial, will not in future be closed against them; the more so, as His Holiness, in his decree of the 30th ultimo, on the reorganization of the Council of Ministers, no longer apparently limits his choice to a single class of his subjects; for, with the exception of the high office of Secretary of State, Minister for Foreign Affairs, President of the Council of Ministers, always to be filled by a Cardinal, having under him a prelate with the title of Substitute, His Holiness does not state to what class the appointment to the other ministerial offices may in future be given.

The complaints against the expenditure of the Military department are loud and well founded. With the exception of the Finance department, there is perhaps none so costly and ill organized. Putting aside the Swiss troops in the service of His Holiness, there is, I believe, no armed force on which, in case of emergency—and such may arise to-morrow—the Government could place reliance for the preservation of tranquillity.

The Consulta di Stato, on being requested to give its opinion as

to the new-ordering of the army, decided by a majority of 20 against 3, to propose—1st, An augmentation of the forces ; 2nd, The inviting of some Italian officer of high character ; 3rd, The mobilization of a part of the civic guard ; 4th, The organization of a reserve :—thus joining in the cry of the Italian press, to put the country into a state of defence, and to be ready to march to the frontiers. The almost hopeless state of the finances will at least make the Government pause before it listens to such counsel. I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 49.—The Earl of Minto to Viscount Palmerston.—(Rec. Feb. 2.)
(Extract.) *Rome, January 23, 1848.*

I HAD to-day some conversation with the Pope on the affairs of his own Government.

The subject was introduced by himself, in consequence I imagine of a communication which I had conveyed to him a few days ago, of the steps I had taken to let the King of Sardinia know my opinion of the great mischief and danger likely to ensue from a rejection of the demand of the Consulta di Stato here for the publicity of their proceedings, upon which subject I knew a reference had been made to Turin for advice.

I had said in my message that I wished him to be informed of my proceeding, because it would serve to prove to him how strongly I was convinced of the necessity for this concession, if any terms were to be kept with the Consulta di Stato. I received a very gracious and flattering answer to this message, and I presume that he had it in mind to-day when he turned the conversation on his own affairs.

He said that he felt the necessity for free and constant intercourse with the Consulta and the Government, and that he desired that the influence of the Consulta should be felt in every branch of the Government.

I said this gave me great pleasure, and that he knew I looked upon the Consulta as the chief strength and only secure support of his Government. He said yes ; but that still there was a peculiarity in the nature of this Government which did not admit of so free an expansion of liberal institutions as were admissible in others. I said that in one important feature this Government was not only unlike, but the reverse of all others. That elsewhere the Church was subordinate to the State, and here the State was subject to the Church ; but that after all, this need not necessarily affect the character or action of the Government.

I said I looked upon the Church (represented by the Pope) as the Sovereign of this country. It matters not who or what is Sovereign, the duties of sovereignty are the same in whatever hands. In

most countries the civil and ecclesiastical administration is distinct. The State manages its affairs. Ecclesiastical affairs are conducted by ecclesiastics; and if the Queen interferes with them in England, it is only as head of the Church.

Why should not the same separation exist here? the Pope retaining his position as head of the State. In other States we say that it is the duty of the Sovereign to govern for the benefit of the people, not for his own advantage. And so it is the duty of the Sovereign Church to have in view the public prosperity, and not the separate interest of the Church, in its civil administration. And there can be no reason why it should not introduce in its dominions any institutions or form of constitution calculated to produce good government.

The Pope assured me that Cardinal Bofondi is of thoroughly liberal opinions.

Viscount Palmerston, G.C.B.

MINTO.

No. 50.—Viscount Palmerston to the Earl of Minto.

MY LORD,

Foreign Office, February 3, 1848.

WITH reference to your Lordship's despatch of the 16th ultimo, reporting the steps taken by you with respect to the hesitation of the Pope to signify his consent to the demand of the Consulta di Stato that they should have the power of making their proceedings public, I have to inform your Lordship that Her Majesty's Government approve the course pursued by you on this occasion.

I am, &c.

The Earl of Minto.

PALMERSTON.

No. 51.—Viscount Palmerston to the Earl of Minto.

MY LORD,

Foreign Office, February 3, 1848.

WITH reference to your Lordship's despatch of the 23rd ultimo, reporting a conversation which your Lordship had held with the Pope on the affairs of his own Government, I have to inform your Lordship that Her Majesty's Government approve the advice given by you to the Pope, and I have to desire that your Lordship will express the pleasure with which Her Majesty's Government have learnt the liberal and wise intentions of the Pope in regard to these matters. The example of what has now recently happened in Sicily and at Naples is a striking instance to show how unwise it is for Governments to delay too long to make those reforms and to introduce those improvements which the state and condition of their dominions may require.

I am, &c.

The Earl of Minto.

PALMERSTON.

No. 57.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Feb. 8.)
(Extract.) *Vienna, January 29, 1848.*

I SPOKE to the Prince about the state of Milan, &c. He repeated the declaration, often made before, "that the Emperor was resolved not to lose his Italian territories." He said, "a hundred thousand troops are now charged with their defence, and as many more will be employed if necessary." He added, Austria will not attack anybody. His Highness said that the commercial men and the middle class of the inhabitants of Milan are disgusted with the conduct of "Young Italy," and are calling upon the Government to protect them against the continuation of the losses they are now suffering by that conduct.

The above assertion is corroborated by many persons now in Vienna who belong to Milan.

It does not appear to me improbable that the Austrian Government will adopt severe measures against some of the nobles of Lombardy, who are said to support with their influence and with money the enemies of the Imperial Government.

My reports to your Lordship of my opinion that the Austrian Government would not employ force to impede the progress of the Italian Governments in making such changes as the latter might think advantageous for their own people, have been hitherto borne out by facts. The leading men in the Austrian councils are now convinced that the Pope and the Grand Duke of Tuscany have no power, and are mere instruments (political) in the hands of a party whose chief object is the destruction of the Austrian power. If those Sovereigns should be openly coerced by the party alluded to, Austria may think it right to take new measures. It is believed here that the Italian party is intimately united with the Swiss radical chiefs, and with the Polish exiles at Paris. Many grounds are stated for that belief, and it will influence the Government in its conduct.

There was published this day in the "Austrian Observer," a curious article, which I have had translated and now inclose, thinking it may be worth your Lordship's pains to read it. I know that Mazzini's letter is held to be authentic. I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 58.—The Hon. R Abercromby to Viscount Palmerston.
(Received February 8.)

MY LORD,

Turin, February 2, 1848.

THE commercial steam-boat the *Capri* arrived yesterday at Genoa from Naples, bringing copy of a decree issued by His Sicilian Majesty on the 29th of January, notifying the bases upon which the project for the new Neapolitan Constitution, which His Sicilian Majesty by the same decree grants to his people, is to be framed.

I have the honour herewith to transmit to your Lordship a translation of this important document, by which your Lordship will perceive, amongst other points, that His Sicilian Majesty establishes 2 chambers, the responsibility of the Ministers, and the liberty of the press, subject to a law of repression for certain cases enumerated in the article itself.

The decree is countersigned by the new President of the Council of Ministers, the Duke of Serracapriola, late Neapolitan Ambassador at Paris, and it would appear from an expression contained in the preamble of this decree, that a complete change of Ministers has taken place.

It is much to be regretted, for the sake of Italy in general, that His Sicilian Majesty should, by his ill-timed resistance, have forced on matters to the point to which they have now arrived. Had he some weeks ago placed the institutions of his country in harmony with those of Piedmont, Tuscany, and the Papal States, such concessions would have been gratefully accepted; now, he has, by his present act, outstripped the measures of reform granted by the 3 Sovereigns of the States above named, and without obtaining for his own country the advantages resulting from an uniformity of institutions with the other Italian States, he has greatly endangered the tranquillity of those states themselves.

By the wise and moderate measures adopted by the Courts of Turin, Florence, and Rome, the people of Italy were placed in a condition gradually to prepare themselves for the future exercise of constitutional institutions, but I am afraid that if they are suddenly to be entrusted with the management of such privileges, they will be found to be inexperienced and unprepared for the temperate and judicious administration of affairs.

Time, and the habit of applying practically the liberal reforms granted by the 3 Sovereigns, would have formed individuals in each State capable of conducting public business under a constitutional form of Government, but at the present moment, I much fear there will be great difficulty in finding persons fit to engage in such an undertaking.

The tranquillity of the town of Naples does not appear to have been seriously disturbed previous to the publication of the Royal Decree of the 29th of January.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—*Royal Ordinance granting a Representative Constitution for the Kingdom of the Two Sicilies.*

(Translation.)

Naples, January 29, 1848.

HAVING understood that the wish of our most beloved subjects is to have guarantees and institutions in conformity with the actual state

of civilization, we declare that it is our will to comply with the desires which have been manifested to us by granting a constitution, and to that effect we have commanded our new Ministry of State to present to us, within the space of 10 days, a project to be approved of on the following bases :

The legislative power will be exercised by us and by 2 Chambers, one of Peers, and the other of Deputies, the first will be composed of persons named by us, the second of Deputies, to be chosen by electors, on the basis of a census to be hereafter determined.

The only dominant religion of the State will be the Catholic Apostolic and Roman, and no other form of worship will be tolerated.

The person of the King will always be sacred, inviolable, and not liable to responsibility.

The Ministers will always be responsible for all the acts of the Government.

The land and sea forces will always be under the command of the King.

The national guard will be organized in an uniform manner throughout the kingdom, as it is in the capital.

The press will be free, and liable only to a repressive law, with reference to whatever may be offensive to religion, morals, public order, the King, the Royal Family, Foreign Sovereigns and their families, as well as the honour and interests of private individuals.

We make known to the public this, our sovereign and spontaneous resolution, and we trust in the good sense and loyalty of our people to maintain order and the respect due to the laws and to the constituted authorities.

SERRA CAPRIOLA, *Minister of State,*

FERDINAND.

President of the Council of Ministers.

No. 59.—The Hon. R. Abercromby to Viscount Palmerston.

(Received February 9.)

MY LORD,

Turin, February 3, 1848.

SINCE the arrival of the steamer *Capri*, which brought the news of the King of Naples having promised a Constitution, nothing further is known of what has occurred in that capital.

The new Neapolitan Ministry is composed as follows :—

Duke of Serra Capriola, Foreign Affairs and President of the Council; Dr. Cesidio Bonanni, Grace and Justice, charged with Ecclesiastical Affairs; Prince Dentice, Finance; Dr. Carlo Cianciulli, Interior; Prince Torella, Public Works; Dr. Gaetano Scovazzo, Commerce and Agriculture, charged with Public Instruction; Prince Cassaro, President of the Consulta; Dr. Pietro d'Urso, Procurator-General of the Court of Accounts of Naples.

From what I can learn of the characters of the new Ministers they are all persons of liberal but moderate opinions. It would appear that previously to accepting office they positively required that His Sicilian Majesty should grant a Constitution to his subjects.

In the decree containing the bases upon which the Constitution is to be framed, and which I have already had the honour to transmit to you in my despatch of yesterday, your Lordship will no doubt have remarked some contradictions which prove the precipitancy with which that decree has been drawn up, and which are not unlikely, if maintained in the project of the Constitution, to lead to future criticism and discussion.

The King of Naples has unfortunately placed himself in such a position towards his subjects that nothing but the most perfect honesty in the execution of the spirit, as well as of the letter, of the concessions which he has made will, it is to be feared, now satisfy their wishes; and any attempt to render the provisions of the forthcoming Constitution less binding upon the Sovereign than was anticipated, would be attended with very serious consequences.

The 2 Articles of the decree, the one establishing the responsibility of the Ministers for all the acts of the Government, the other declaring that the military and naval forces of the kingdom are to be always dependent upon the king, are evidently so in opposition the one to the other, that they create precisely a question of this nature. And if, when the details of the Constitution are made public, they should be found to contain this or other contradictions of the same nature, there is great risk that the confidence in the sincerity of His Sicilian Majesty's liberal intentions will be seriously shaken, and that the desired good understanding between the King and his subjects will not have been established.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 64.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, February 11, 1848.

WITH reference to your despatch of the 3rd instant, reporting what passed between you and the Count St. Marsan, relative to the probable consequences in Sardinia, of the events which have lately occurred in the kingdom of the 2 Sicilies, I have to inform you that Her Majesty's Government entirely approve the language held and the advice given by you. The course recommended by you to the Sardinian Government is the only one by which the Sardinian Government can now maintain harmony between the Crown and the people, and by which the independence of the State and its freedom from foreign interference can be preserved.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 65.—*Viscount Palmerston to Viscount Ponsonby.*

MY LORD,

Foreign Office, February 11, 1848.

THE great importance of the events which have lately happened, and which are now passing in Italy, renders Her Majesty's Government desirous of again communicating with the Cabinet of Vienna upon matters possessing so high a degree of interest both to Austria and to Great Britain: to Great Britain because she was one of the Contracting Parties to the Treaties of 1814 and 1815, and is a Power anxiously solicitous for the maintenance of the Peace of Europe; to Austria for the like reasons, and also because she possesses territories in Italy.

The Austrian Cabinet cannot doubt the friendly feeling of Great Britain towards Austria; alliances of ancient date have long formed a bond of union between the 2 countries, and even if those ties could be forgotten, the vast importance of Austria as an essential element in the balance of power in Europe, must always inspire the British Government with the sincerest wishes for her welfare and prosperity.

Her Majesty's Government therefore could never desire to see the Cabinet of Vienna shape the course of its policy in any other manner than that which might be best calculated on each occasion to promote the permanent and well-understood interests of the Austrian Empire.

It has consequently been to Her Majesty's Government a source of the most unmixed satisfaction to receive the assurances which from time to time have been conveyed to them from the Cabinet of Vienna, that it was the firm determination of that Cabinet strictly to pursue, in regard to the affairs of Italy, that system of conduct which is at once the wisest and the most just; and that although the Austrian Government deemed a large augmentation of its military force in its Italian provinces to be required by the present state of affairs therein, yet this augmentation was to be considered as a strictly defensive measure, and was not to be construed as any indication of an intention to overstep the frontiers of the Austrian territory, or to interfere by military force in the affairs of any other Italian State.

This official declaration of the views and intentions of Austria was in strict conformity with those stipulations of the Treaty of 1814, which provided for the independent sovereignty of the several States of Italy, and was in perfect accordance with the principles of international justice.

Her Majesty's Government are convinced that the progress of events in Italy can only have confirmed the Cabinet of Vienna in these wise and prudent resolutions, the firm adherence to which has hitherto tended so much to maintain unimpaired the internal peace of the Italian States, and to prevent causes of serious misunderstanding between the Powers of Europe; and Her Majesty's Government trust that whatever may be the result of the events which have lately

happened in the Kingdom of Naples, and whatever influence those events may exercise upon the internal affairs of any other Italian States, the Cabinet of Vienna will still persevere in the same prudent course, and will confine its military force within the limits of His Imperial Majesty's Italian possessions.

Your Excellency will read this despatch to Prince Metternich and give him officially a copy of it. I am, &c.

Viscount Ponsonby.

PALMERSTON.

*No. 66.—Viscount Palmerston to the Hon. R. Abercromby.**

SIR,

Foreign Office, February 12, 1848.

The present circumstances of Italy are so critical, and the interests of Europe are so much concerned in the peaceable termination of the endeavours now making to improve the political condition of the Italian people, that I have thought it necessary to put you in possession of the views of Her Majesty's Government upon this important subject.

The relative situation of the sovereigns of Italy and their subjects at the present moment is one of which advantage may be taken by the enemies of both parties. It is not difficult to convey to the sovereigns false reports of projected insurrections, and to create in their minds an unfounded belief of the existence of revolutionary plots. On the other hand, the same agency may be employed to represent to the people that their sovereigns are insincere in their promises of concessions, so that the people being thus stimulated to use force for the purpose of securing political reforms, the very act to which they may be delusively led on, may be converted into a pretext for depriving them of the objects of their legitimate expectations. But it will be your duty to counteract, as far as possible, these sinister efforts, and you are with that view instructed to represent to the Minister of Sardinia that the power of directing the progress of reform is still within the hands of the sovereigns, but that it is now too late for them to attempt to arrest further progress of improvement. That the example of the events which have recently happened in the Kingdom of the 2 Sicilies shows that unwise resistance to moderate petitions is sure to lead, ere long, to the necessity of yielding to irresistible demands. That it is better for a government to frame its measures of improvement with timely deliberation, and to grant them, with the grace of spontaneous concession, than to be compelled to adopt on the sudden, changes perhaps insufficiently matured, and which, being extorted by the pressure of imperious circumstances, invert the natural order of things, and being somewhat of the nature of a capitulation of the sovereign to the subject,

* A similar despatch was addressed on the same day to Sir George Hamilton, at Florence, and to Lord Minto, at Rome.

may not always be a sure foundation for permanent harmony between the Crown and the people.

To the popular leaders with whom you may have intercourse, you should use language of the same tendency, and arguments drawn from the same circumstances. You should tell them that though force may carry its purpose for the moment, and may wring from the Crown in one day, concessions which might otherwise have been the fruit of a much longer time, yet it leaves after it ill-will and resentment; and that Sovereigns who have been so coerced, may be suspected of constantly looking out for an opportunity of shaking off the yoke which they may thus have been obliged to bear. That mutual distrust will be created between the governors and the governed, that this distrust will from time to time break out into overt acts on each side, intended perhaps defensively by those by whom they are done, but regarded as offensive by the other party. That open discord will thence ensue, and foreign interference may be the ultimate result.

Applying these views to the present state of things in Italy, it may safely be foretold that when a representative Government is established at Naples, the people of the Roman States, of Piedmont, and of Tuscany, will not easily be satisfied with a less measure of organic change; and it will be for the true and permanent interest of the Sovereigns of each of those States, rather to regulate the mode in which the wishes of their subjects can most safely be gratified, than to attempt to stop and force back the tide of public opinion.

What particular measure it would be wisest for each of those Sovereigns to adopt it is not for the British Government to say; nor is it our wish or intention to obtrude upon those Governments unasked any advice or opinion on such matters. But if you should be consulted on these things by the Minister of Sardinia, you will not fail to give him the best assistance in your power, and you may assure him that the sincere and heartfelt wish of the British Government is, that the arrangements which may finally be made by the Governments of Italy may be such as may best contribute to the honour and security of the Sovereigns, to the happiness and welfare of the people, to the general progress of civilization, and to the maintenance of the peace of Europe.

I am, &c.,

The Hon. R. Abercromby.

PALMERSTON.

*No. 67.—Viscount Palmerston to the Hon. R. Abercromby.**

SIR,

Foreign Office, February 12, 1848.

WITH reference to my despatch of this day, I have to instruct you to point out to the Sardinian Minister, in any conversation which you

* A similar despatch was addressed on the same day to Sir George Hamilton, at Florence; Lord Minto, at Rome; and Lord Napier, at Naples.

may have with him on the subject of a Representative Constitution, that almost all the German States have for many years possessed such institutions; and that those institutions have in general worked well, as between the Sovereign and the people.

You will observe to him that Bavaria, Wurtemberg, Saxony, Baden, most of the Saxon Duchies, and some other German States, have Representative Constitutions, and that there seems to be no reason why institutions which have worked well in Germany should not answer equally well in Italy.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 69.—The Hon. R. Abercromby to Viscount Palmerston.

(Received February 12.)

{Extract.}

Turin, February 7, 1848.

THE vote of the municipality of Turin, which I have had the honour to report to your Lordship, led yesterday to summonses being issued for the assembling, this morning, at the King's Palace, at 8 o'clock, of an Extraordinary Council, to take into consideration the nature of the reply that is to be returned to the address which the Syndics of Turin are appointed to present to His Sardinian Majesty, in an audience granted to them for that purpose, at half-past 2 to-day.

The Council has now been sitting for nearly 4 hours, and has not yet broken up.

I shall keep this despatch open to the latest possible moment, in the hope that in a postscript I may be able to add the decision taken by His Sardinian Majesty in Council.

The opinion is so universally now in favour of granting a Constitution, that I cannot doubt that in the course of the day an announcement to that effect will be made public.

By a timely decision His Sardinian Majesty may still be able to direct and model the details of the future Constitution of this country, so as to avoid falling into the error of exaggerated democratic principles; an evil that would inevitably occur, should His Sardinian Majesty allow his subjects to force from him unwilling concessions.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 70.—The Earl of Minto to Viscount Palmerston.—(Rec. Feb. 13.)

MY LORD,

Rome, January 28, 1848.

I HAVE received your Lordship's despatch of the 16th of December, directing me to proceed to Naples, in the event of my receiving an intimation of the King's desire to see me.

No such wish has, however, been expressed by His Majesty.

The events which have now occurred may possibly induce him to desire my assistance, and I shall be prepared to attend to any summons I may receive.

I much fear, however, that the time is past when his subjects will be satisfied with such terms as might have been accepted a few days ago. The demand for a Constitution is now warmly urged at Naples, and, if persisted in, cannot I suspect be successfully resisted.

Every exertion has been made by myself and others here to induce the popular party at Naples to limit their views to reformed institutions, in harmony with those of the neighbouring States; but as the Royal cause becomes hourly weaker, it is scarcely to be expected that they will abate much of their demands.

I have, &c.

Viscount Palmerston, G.C.B.

MINTO.

No. 71.—Lord Napier to Viscount Palmerston.—(Rec. February 13.)
 MY LORD, *Naples, January 29, 1848.*

IN conformity with an universal desire inspired by the concession made this morning to the Neapolitan people, His Majesty the King rode at mid-day through the city. On leaving the gate of the palace a great multitude surrounded their Sovereign, kissing his hands and his stirrups, addressing him in the most affectionate language, and giving many touching demonstrations of gratitude and devotion. The King was deeply moved by these marks of attachment, spoke to his good people in a gracious manner, and shed tears, in which he was joined by all around him.

In passing along the great street of Toledo a magnificent spectacle of enthusiasm suddenly offered itself, for the whole way was lined with ranks of carriages and crowds of the humbler orders, who, with flags and ribbands of the patriotic colours, and loyal cries, saluted the approach of His Majesty in a fashion of which he had hitherto no experience, and the Neapolitan capital has not offered an example since the events of 1820.

On returning to the palace, the King passed in review his troops, who were present in great numbers, and withdrew with acclamations equal to those which signalized his first appearance.

At a later hour he drove out with Her Majesty the Queen in an open carriage, when he was not molested by any concourse, but spontaneously stopped on several occasions and addressed some encouraging or admonitory words to the civic guards, or to persons in a private station who were known to him.

His Majesty did not appear at the Opera House this evening, having been much fatigued by his previous exertions; but the audience, availing themselves of certain sentiments in the piece which bore a patriotic meaning, displayed their feelings in a transport of agitation and joy which might well seem singular to those who have been long accustomed to the disciplined applause on the Neapolitan theatre.

A disorder among the poorest classes in the course of the afternoon was subdued by the national guards without the loss of life, though a

disposition to pillage was manifested, and some shots had to be fired before the population dispersed.

No fears are entertained for the maintenance of tranquillity in the capital, the civic force having displayed the greatest activity and good will in the exercise of their functions.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 72.—*Lord Napier to Viscount Palmerston.*—(*Rec. February 13.*)
(Extract.) *Naples, January 30, 1848.*

THE new Administration has already experienced some modification, and seems menaced with further change.

Prince Cassaro, President of the Consulta Generale, offered his resignation. His Majesty refused, in the first instance, to accept it, but allowed him to retire on a subsequent occasion.

M. Cianciulli having resigned the portfolio of the Interior, it has been bestowed on M. Bozzelli. M. Bozzelli is by profession a barrister, and has obtained great fame for ability and eloquence.

The Duke of Serra Capriola is President of the Council and Minister for Foreign Affairs.

Prince Torella is Minister of Public Works.

Prince Dentice is Minister of Finance.

M. Scovazzo is Minister of Agriculture and the Fine Arts.

M. Bonanni is Minister of Grace and Justice.

Viscount Palmerston, G.C.B.

NAPIER.

No. 73.—*Lord Napier to Viscount Palmerston.*—(*Rec. February 13*)
MY LORD, *Naples, January 31, 1848.*

I AM enabled to state to your Lordship, on good authority, that the Envoys of Austria and Russia, and the Chargé d'Affaires of Prussia, addressed a collective note to the Neapolitan Government, one or two days previously to His Sicilian Majesty's gracious announcement that he would bestow a Representative Constitution on his people.

In that note His Sicilian Majesty was encouraged to persevere in opposing the wishes of the nation, and it is asserted that the Representatives of the Northern Powers even protested against the concession of a Representative Constitution to the Kingdom of Naples, as being opposed to some secret convention or agreement contracted between their respective Governments and the Sicilian Crown.

The King of Naples is stated to have pleaded the irresistible exigency of his position, and to have produced in his vindication a kind of certificate, confirmed by the principal military officers of the kingdom, to the effect that the armed force was not sufficient to maintain the peace of the provinces, or even to secure the fidelity of the capital.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 74.—The Hon. R. Abercromby to Viscount Palmerston.

(Received February 14.)

(Extract.)

Turin, February 7, 1848, at night.

THE Council did not break up to-day until half-past 4.

His Sardinian Majesty then received the Syndics of Turin, who presented to him the address voted by the municipality.

His Sardinian Majesty received the Syndics in his usual kind and gracious manner, limiting, however, his reply to the subject matter of the address, to the expression, "Je verrai."

In answer to the request of the Marquis Colli, the first Syndic, to know whether he had His Majesty's permission to quote this reply, in case he should be questioned upon the subject of the result of his audience, His Majesty told him he might do so.

Another meeting of the members of the Council took place this evening, but not, I am given to understand, in presence of the King.

The results of this evening's consultation will be submitted to His Majesty in Council to-morrow, when it is probable that a final decision will be taken.

His Majesty took occasion, during his conversation with the Syndics, to mark his disapprobation of the crowd assembled in front of the Palace; he desired that they would make known his feeling upon this point; and, he added, that so long as such a system was persevered in he would grant nothing.

From the windows of the Palace it was impossible for His Majesty to judge of the character of the crowd assembled in the square, which at no period of the day, however, exceeded, upon a rough calculation, 700 or 800 people; and it was therefore not unnatural that His Majesty should express his disapprobation of a scene which bore, when witnessed from a distance, somewhat the aspect of wishing to control the free deliberations of the Council.

It is but just, however, to those persons who formed this assembly to state, that it was composed of most orderly, well-dressed, and quiet individuals, evidently brought there simply by curiosity, and by a desire to learn as quickly as possible the decision of the Council, and not for any bad purposes; no cry was raised, nor was any act committed during the whole day that tended in the smallest degree to trouble the public peace, nor indeed to give expression to any shade of public opinion.

Although intense interest is felt by all classes of the inhabitants of Turin, with regard to the issue of the questions now under the consideration of His Majesty and of his Council, I must say that the demeanour of the people has been, and continues to be, most exemplary. The town is perfectly quiet, there is no singing or parading about the streets; and to a stranger unacquainted with the

important events now going on here, nothing appears to excite particular attention.

No doubt this is to be attributed in a great measure to the successful system of organization established by the leaders of the popular party, which from that very cause is a matter of a serious nature, which ought not to be overlooked by the Government when deciding upon the policy to be adopted by the King.

If, as is generally expected, the principle of a Constitutional form of Government is granted by His Majesty, I have the hope that public opinion will repose with confidence upon the sacredness of such an engagement, and that time will be allowed to the King and to his Government to discuss and mature the details of a Constitution, so as to afford the possibility of composing a measure adapted to the habits and demands of the people, without incurring the risk of having subsequently to correct imperfections, the result of inconsiderate haste.

A representative form of Government in this country is so completely different from everything that has ever yet existed, that it will be impossible to frame in a few days a Constitution applicable in all respects to the real interests of the kingdom.

I have reason to believe that neither the Marquis Villamarina, nor Count Solar de la Marguerite, although both are Ministers of State, were called by the King to assist at the deliberations of the Council held this day.

February 8, half-past 2 P.M.

The Council broke up to-day about noon; nothing positive is yet known, but the report is, that a Constitution somewhat similar to the French Charter, is about to be conceded by the King.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 75.—The Hon. R. Abercromby to Viscount Palmerston.

(Received February 14.)

MY LORD,

Turin, February 9, 1848.

YESTERDAY evening I received a note from Count St. Marsan, transmitting to me a printed copy of a proclamation signed by the King, and containing various articles which are to form the bases of the fundamental statute of this country.

Your Lordship will perceive that a complete representative system of Government is granted by the King; 2 Chambers, the first composed of members named by the Sovereign, and for life; the second elective; annual sessions of the Chambers, reassembly of them in 4 months after a dissolution; money bills to originate in the second Chamber; and liberty of the press, subject to a law of repression.

I transmit herewith to your Lordship copy of Count St. Marsan's note, together with a printed copy of His Sardinian Majesty's pro-

clamation, a translation of the same into English, and a copy of a note I have addressed to Count Saint Marsan in reply to his communication.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure 1.)—Count St. Marsan to the Hon. R. Abercromby.

Turin, le 8 Février, 1848.

Le Soussigné, &c., d'ordre du Roi, a l'honneur de donner communication à Mr. Abercromby, &c., de la proclamation ci-jointe que Sa Majesté a signée ce matin, en le priant de la porter à la haute connaissance de son auguste Souveraine.

Le Roi a ordonné en même temps au Soussigné de déclarer en son nom, que l'octroi du statut qui forme l'objet principal de la proclamation, est le résultat de sa libre et entière volonté, et que le bien de ses sujets qui a toujours déterminé par le passé jusqu'à la moindre de ses actions, est uniquement ce qui l'a porté à donner cette nouvelle preuve de confiance en les appelant à prendre une part active dans la discussion des affaires publiques.

Le Roi désire en outre que Sa Majesté la Reine d'Angleterre reçoive ici l'assurance que le respect des traités formera à l'avenir, ainsi qu'il l'a fait par le passé, la base de sa politique, et qu'il nourrit le plus vif espoir que le concours de ses sujets dans l'œuvre difficile de l'administration intérieure, loin de nuire aux bons rapports avec les Puissances étrangères, contribuera au contraire à consolider davantage les liens d'amitié qui ont existé jusqu'à présent entre les 2 pays, et que le Roi se flatte de voir encore se resserrer à l'avenir.

Le Soussigné, &c.

The Hon. R. Abercromby.

H. DE SAINT MARSAN.

(Inclosure 2.)—Proclamation of the King of Sardinia, containing the bases of a Fundamental Statute.

(Translation.)

CHARLES ALBERT, &c.

Turin, February 8, 1848.

THE people whom we have by the will of the Divine Providence governed with the love of a father during the last 17 years, have always understood our affection, and the way in which we sought to understand their wants; and it has always been our intention that the Prince and the nation should be bound together by the closest ties, for the good of the country.

That this union is becoming every day closer, we perceive by the manner in which our subjects have received the recent reforms, which our desire for their welfare had recommended to us as likely to improve the different branches of the administration, and to prepare them for the discussion of public affairs.

Now that the times are favourable for still greater things, and

amidst the changes which have occurred in Italy, we do not hesitate in giving them the greatest possible proof of the faith we have in their attachment and good sense.

The political institutions which are to be the completion of the reforms granted by us, are now being leisurely prepared and matured in our councils, and they will contribute to consolidate the benefit of these reforms in a manner in accordance with the circumstances of the country.

But it is now our pleasure to declare that we have, by the advice of our Ministers and of the principal Councillors of our Crown, resolved and determined to adopt the following bases for a fundamental statute, to establish in our States a complete representative system of Government :

ART. I. The Catholic, Apostolic, and Roman religion is the only religion of the State. The other forms of worship now existing are tolerated according to the laws.

II. The person of the King is inviolable. His Ministers are responsible.

III. The executive power belongs to the King alone. He is the supreme head of the State. He commands all the land and sea forces ; he declares war, concludes treaties of peace, alliance, and commerce ; appoints to all the offices, and gives all the orders necessary for the execution of the laws, without suspending or dispensing with their observance.

IV. The King sanctions the laws and promulgates them.

V. All justice emanates from the King, and is administered in his name. He can pardon and commute penalties.

VI. The legislative power will be exercised collectively by the King and by 2 Chambers.

VII. The first will be composed of members named for life by the King ; the second of members elected on the basis of a census to be hereafter determined.

VIII. The proposition of laws will be made by the King and by each Chamber ; but all laws relative to the impositions of tributes must be first brought forward in the Elective Chamber.

IX. The King convokes the 2 Chambers every year ; he prorogues their sessions, and can dissolve the Elective Chamber, but in that case he must convoke another within the term of 4 months.

X. No tax can be imposed or levied without the consent of the Chambers and the sanction of the King.

XI. The press will be free, but liable to repressive laws.

XII. Individual liberty will be guaranteed.

XIII. The judges, with the exception of those of mandaments, will be irremovable when they shall have exercised their duties during a period to be hereafter determined.

XIV. We reserve to ourselves to establish a communal militia composed of persons paying taxes to an amount to be determined.

This militia will be at the disposal of the administrative authorities and dependent upon the Minister of the Interior.

The King will be able to suspend or to dissolve it where he shall think it proper.

The fundamental statute which is now being prepared in conformity with these bases, according to our command, will come into operation at the same time as the new regulations of communal administration (July 1, 1848).

While we are thus providing for emergencies of the highest political importance, we are unwilling further to delay to comply with a desire which we have nourished for some time, by reducing, from the 1st of July next, the price of salt to 30 centimes the kilogramme, which measure will chiefly benefit the poorer classes, being assured that we shall find in the more wealthy, that compensation in the public revenue which is rendered necessary by the wants of the State.

May God protect the new era which is now beginning for our people, and until they are able to make use of the greater degree of liberty which they have acquired, and of which they are and will be worthy, we expect on their part the exact observance of the laws in vigour, and the undisturbed tranquillity which is so necessary to bring to a conclusion the work of the internal organization of the State.

CHARLES ALBERT.

(Inclosure 3.)—*The Hon. R. Abercromby to Count St. Marsan.*

Turin, February 8, 1848.

THE Undersigned, &c., hastens to acknowledge the receipt of the note which Count St. Marsan, &c., has just done him the honour to address to him by command of His Sardinian Majesty, inclosing printed copy of a proclamation signed this morning by His Sardinian Majesty, and which Count St. Marsan requests the Undersigned to convey to the knowledge of Her Britannic Majesty and of her Government.

The Undersigned need not assure Count St. Marsan that he will, without a moment's delay, transmit to his Government these most important communications.

The declarations which Count St. Marsan is directed to make in the name of His Sardinian Majesty, and which are contained in his note of this day, will be received, the Undersigned is convinced, by Her Majesty and by the British Government, with feelings of the greatest satisfaction; and the institutions with which His Sardinian Majesty has now, by a voluntary act on his part, endowed his country,

will afford an additional proof to Her Majesty the Queen and to the Cabinet of London of the wise and enlightened views which direct the policy of His Sardinian Majesty, and which so pre-eminently mark His Majesty's paternal and solicitous care for the welfare and glory of his country and of his subjects.

The sentiments of sincere friendship and interest which England has, on all occasions through a series of many centuries, constantly shown for the prosperity of the House of Savoy and of its subjects, are a sufficient guarantee that they will not be found wanting in the present instance, and that the great and important changes which His Sardinian Majesty has spontaneously brought about for the benefit of his people in the fundamental institutions of this country, will meet with the sincere sympathy of the British Government.

In transmitting this reply to the communication of Count St. Marsan, the Undersigned avails himself of the opportunity to express his conviction that it will continue to be the anxious desire of Her Majesty the Queen and of her Government to maintain and to improve those intimate relations of friendship and interest which have ever marked the intercourse between the Crowns of Great Britain and Sardinia.

The Undersigned, &c.

Count St. Marsan.

RA. ABERCROMBY.

No. 78.—*Viscount Palmerston to Viscount Ponsonby.*

MY LORD,

Foreign Office, February 15, 1848.

YOUR Excellency's despatches to that of the 7th instant inclusive have been received and laid before the Queen.

With reference to your Excellency's despatch of the 7th instant, as regards the policy of Austria in Italy, I have to instruct your Excellency to express to the Austrian Government the great and extreme satisfaction with which Her Majesty's Government have learnt the wise and just determination adopted by the Austrian Cabinet. It is entirely in conformity with the principles which have all along been announced by Prince Metternich as those by which it was his intention to be guided in regard to events now passing in Italy; and though public rumour, in some degree countenanced by the violent proclamation of Count Radetzky, anticipated some change of policy on the part of the Austrian Government, Her Majesty's Government were never disposed to give credit to those sinister reports.

I am, &c.

Viscount Ponsonby.

PALMERSTON.

No. 79.—*Sir G. Hamilton to Viscount Palmerston —(Rec. Feb. 16.)*

MY LORD,

Florence, February 8, 1848.

ON the 5th instant the Grand Duke of Tuscany sent for the chief officers of the civic guard of Florence, and informed them that how-

ever anxious he was to carry out his proposed reforms to their fullest extent (and which, in point of fact, will amount by the character of the municipal representation to all but a Constitution in name), he must nevertheless warn them to urge upon their followers the expediency of abstaining from political demonstrations with the intention of demanding a Constitution which he should be obliged to refuse, in order not to compromise his old friends (the Austrians), and his new (the Pope).

The interview then terminated. In the meantime, the "Alba" has become, since the news from Naples, louder than ever, in advocating a Constitution for Tuscany, and in demanding the general arming of the country to resist the supposed aggressive policy of the Court of Vienna.

Although your Lordship will probably have had more precise information, I think it right to state I have been informed, on good authority, that a Treaty of Alliance, offensive and defensive, has been entered into recently between the Courts of Austria, Parma, and Modena.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 80.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, February 16, 1848.

WITH reference to your despatch of the 9th instant, I have to inform you that Her Majesty's Government approve entirely your answer to Count St. Marsan's communication of the Articles on which the future Constitution of the Sardinian territories is to be founded, and I have to instruct you to congratulate the Sardinian Government upon the wise and generous act of the King, which reflects equal honour upon his enlightened judgment and upon his paternal affection for his people.

Her Majesty's Government sincerely rejoice at a measure which, by tending to give greater development to those intellectual qualities and attainments for which the people who inhabit the territories which compose the Sardinian dominions have always been remarkable, will contribute greatly to add to the power and resources of the State; and while by these means the happiness and welfare of the King's subjects will be promoted, the dignity and importance of the Sardinian Monarchy, as an European Power, will thereby also be increased.

Her Majesty's Government further trust that similarity of institutions will still further cement the sympathies already existing between the people of the 2 countries, and may thus strengthen the bonds of alliance which have so long united the 2 Crowns.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 85.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received February 19.)

(Extract.)

Turin, February 14, 1848.

THE Royal proclamation of the 8th instant, containing the leading principles of the future fundamental statute of Piedmont, has been received throughout the provinces of the kingdom with feelings of unmixed satisfaction, and of gratitude towards His Sardinian Majesty, for the liberal institutions with which he is about to endow his country.

At Genoa, where there exists a stronger inclination in favour of democratic principles, than in any other part of the Sardinian States, the King's proclamation was received with the greatest enthusiasm ; and from the various accounts that have reached me from thence, the leading principles of the new statute, as made known by the proclamation of the 8th instant, appear to have generally satisfied the desires and expectations of the public.

The immediate organization of a civic guard throughout the country is a question upon which public opinion continues to express itself with energy ; and the Government have therefore wisely lost no time in naming a general officer president, and 6 individuals members of a commission for this purpose.

The members of this commission have been selected from amongst military men of known reputation, assisted by civilians possessing legal knowledge, and by others whose political opinions are sure to meet with the approbation of the public. In this last category may be placed the Marquis Robert Azeglio.

The most perfect order and tranquillity reign throughout the country, and I trust that nothing will occur to disturb the existing calmness of the whole population.

On Sunday, the 27th February, there is to be a great public fête to celebrate the granting of the statute, from which, however, I do not anticipate that any danger to the public peace is likely to arise ; and that event over, I confidently look to a return, on the part of the people, to their regular and ordinary system of life.

The party, composed of individuals whose opinions were known to have been most opposed to liberal principles, has accepted the changes instituted by the proclamation of the 8th instant, with greater readiness and frankness than was to have been expected.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 86.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. Feb. 20.)

MY LORD,

Florence, February 12, 1848.

I HAVE the honour to inclose in original and translation a *Motu proprio* which appeared in the "Gazette" yesterday evening, declaring the Grand Duke of Tuscany's intention to grant such a Constitution

to his people, as the desires of his subjects and the necessity of the times required in Italy.

Although it was fully expected that the Grand Duke must ultimately grant a Constitution, yet the proclamation above mentioned, took the majority of his subjects by surprise.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure.)—*Motuproprio* proclaiming the Grand Duke of Tuscany's intention to grant a Representative Government.

(Translation.)

WE, LEOPOLD II, &c.

February 11, 1848.

BY our *Motuproprio* of January the 31st, we designed to bestow upon the country committed to our care, a national representation, which, whilst it might correspond to the public wishes and wants of the times, would preserve to the Tuscan family that political administrative principle to which she is indebted for her prosperity, and which may offer to her those guarantees which are able to insure to her a happy futurity.

This idea had already passed through the mind of our immortal grandfather. The epoch and events did not permit it to take effect until now, but we are happy to remind our people of this our civil glory, and at the same time it is grateful to us to find the opportunity of bestowing upon our country this national representation, to which our studies, and every anterior foresight have been directed.

Tuscans! Your confidence in me shall not be deceived at this solemn moment, and whilst I feel my love for you increase.

Be not seduced by impatient suggestions, and wait tranquilly a few days in order that the projects may be completed which are to insure your destinies.

I wish to give you those privileges for which you are fully ripe, and which the wisdom of your conduct merits.

Give me the glory of being the author of a great institution essentially Tuscan, and at the same time accommodated to the general interests of Italy.

Given February 11, 1848.

V. F. CEMPINI.

LEOPOLDO.

L. ALBIANI.

No. 87.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. Feb. 20.)
MY LORD. Florence, February 12, 1848.

I HAVE the honour to inclose herewith a despatch I have received from Mr. Petre, at Rome, giving an account of the agitation that has prevailed in that city, and of the mob having deputed the senator,

Prince Corsini, to wait upon the Pope to represent to him the wishes and wants of the Romans.

His Holiness has promised to secularize a great many officers, and Cardinal Bofondi, and many other Ministers, have in consequence tendered their resignation. I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Mr. Petre to Sir George Hamilton.*

(Extract.)

Rome, February 9, 1848.

IN my despatch of the 18th ultimo I mentioned that the Consulta di Stato had proposed to the Government: 1st, an augmentation of the forces; 2ndly, the inviting of some Italian officer of high character; 3rdly, the mobilization of the civic guard; and 4thly, the organization of a reserve.

The rumour spreading abroad during the last few days, that the Council of Ministers did not intend to pay any attention to these proposals, crowds of people began to assemble yesterday, about 1 o'clock, in the Corso, calling out for the arming of the reserve of the civic guard,—that is, of servants, daily labourers, journeymen, &c. “Down with the Ministers!” “No more priests!” “No more moderation!” and the like. After much noise and declamation, it was resolved that a certain number should proceed to the residence of Prince Corsini, the Senator, and request him to represent the wants and wishes of the Romans to His Holiness.

During this time, persuaded by the moderate party, Prince Aldobrandini, Colonel of the 4th battalion of the civic guards, the Count Posolini, Deputy of the Province of Ravenna, and the Advocate Bendetti, Deputy of that of Cevita Vecchia, had gone to the Quirinal, and requested an audience of His Holiness, who expressed his surprise at hearing of the agitation which prevailed, and of the murmurs of the last few days; and, after some conversation, authorized these gentlemen to make known to the public that the Ministry should be changed, that more laymen should be admitted into the Council, and into other offices of the State, as indeed he had already planned; but that he could not make any promise as to the general arming of the country without mature consideration. This answer somewhat calmed the people; it being moreover understood that the Senator was to have an audience of His Holiness in the evening.

Before night-fall, thousands in regular order, and amongst them hundreds of civic guards, not in uniform, but wearing their military great coats, began to collect on their way to the Piazza del Popolo, where they said they would await the answer of His Holiness, to be delivered to them by the Senator.

Ciceroacchio here told them that if the answer were unfavourable, they must take the affairs into their own hands.

It was nearly 8 o'clock before the Senator arrived, after a long audience of the Pope. He was received with a very boisterous enthusiasm by the impatient crowd; and immediately announced that His Holiness had already resolved on the secularization of the greater part of the Ministerial and other offices; that it was, and had been previously, his intention to invite to Rome some Italian officers of distinction; and that he would propose Treaties of defence to other Italian States. This announcement appeared to satisfy the majority; and it was soon after resolved to accompany the Senator to his house in the quarter of the Trastevere. The procession, the most numerous as yet seen, many hundreds carrying torches, on passing the Austrian Embassy, preserved a deep silence, and the torches were reversed; on passing the Jesuits' house, some verses of the "De Profundis" were sung. Arrived at the residence of the Senator, the crowd quietly dispersed, and I have not heard of a single act of violence nor of any disorder committed. But the appearance, the language, and the clamours of the vast crowd, were more threatening and violent than on any former occasion. Many were armed with pistols and daggers, principally from the Romagna, and some from other parts of Italy.

The town to-day is perfectly tranquil. Cardinal Bofondi, and I believe all the Ministers, have offered their resignation to His Holiness. In the evening a Council is to be held, and some Roman gentlemen are requested to attend.

Sir George Hamilton.

WILLIAM PETRE.

No. 91.—Viscount Ponsonby to Viscount Palmerston.—(Rec. Feb. 21.)

MY LORD,

Vienna, February 13, 1848.

I HAVE the honour to transmit herewith to your Lordship, in translation from the "Vienna Gazette" of this day, the copy of a Treaty concluded between His Imperial Majesty the Emperor of Austria and His Royal Highness the Archduke Duke of Modena, for their mutual defence and support.

A Treaty of a similar nature is also concluded between His Imperial Majesty the Emperor of Austria and His Royal Highness the Duke of Parma.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Treaty between Austria and Modena, December 24, 1847.

[See Vol. XXXVI. Pages 1169, 1171.]

No. 94.—Mr. Peel to Viscount Palmerston.—(Rec. February 21.)

(Extract.)

Berne, February 17, 1848.

THE President has received intelligence of a secret negotiation between France and Austria, by which the latter, with the consent of

France, is to occupy the territory of St. Gothard, preparatory to the military operations in the Italian dominions having reference to Tuscany and the Italian constitutions.

Viscount Palmerston, G.C.B.

R. PEEL.

No. 95.—Sir G. Hamilton to Viscount Palmerston.—(Rec. Feb. 28.)

MY LORD,

Florence, February 17, 1848.

I HAVE the honour to transmit 3 despatches from Mr. Petre, at Rome, which respectively relate to the proclamation of the Pope appealing to the affection and loyalty of all his subjects, and addressed to all the Roman Catholics of every country, to rally round him in support of his throne; to the recent change of Ministry and appointment of 3 laymen; and to an address by the Pope from the Quirinal Palace, which he delivered to a numerous body of all classes, who assembled there for the purpose of testifying their joy at the proclamation.

Notwithstanding the favourable opinion evinced in general by this multitude, seditious cries were uttered on that occasion in the Pope's presence, and several arrests then took place.

The press at Florence is loud in the expression of a hope that the Pope will grant a Constitution at Rome similar to that of Piedmont and Naples, though the words of the proclamation imply that the Roman Pontiff ought not to be called on to make such a concession.

The Tuscan Constitution was officially announced as ready for publication in yesterday's Gazette, but is purposely delayed until to-day, that this important Act may be proclaimed at the same time all over Tuscany.

I hope by to-morrow's post to be able to furnish your Lordship with a copy.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

P.S.—The Constitution has been officially published.

(Inclosure 1.)—Mr. Petre to Sir George Hamilton.

SIR,

Rome, February 11, 1848.

I HAVE the honour to transmit to you, for the information of Viscount Palmerston, printed copies, together with a translation, of a proclamation from His Holiness to the Romans, touching the proceedings mentioned in my last despatch. It was posted up by torchlight, about 8 o'clock yesterday evening, and excited a great sensation and enthusiasm, but it was resolved to put off all further signs of joy to the following day.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

(Inclosure 2.)—*Proclamation issued by the Pope.—Rome, Feb. 10, 1848.*
 ROMANS! (Translation.)

THE Pontiff who has now for nearly 2 years received so many signs of love and fidelity from you is not deaf to your wishes—to your fears. We do not cease from continually meditating on the means of most usefully unfolding, and of carrying out to perfection, saving our duties toward the church, those civil institutions which we have founded, not forced by any necessity, but induced by our desire for the happiness of our people, and by esteem for their noble qualities. We have likewise turned our thoughts to the remodelling of the army, even before the public voice called for it; and we have endeavoured to procure officers from abroad to assist those who honourably serve the Papal Government. The better to widen the province of those who can by talent and experience contribute to the public improvement, we had equally planned the adding to the number of laymen in our Council of Ministers. If the concordant will of the Sovereigns to whom Italy owes recent reforms be a security for the preservation of these benefits received with so much applause and with so much gratitude, we cherish it, maintaining and strengthening the most friendly relations with them. Nothing, in fine, which can tend to the tranquillity and to the dignity of the State shall be ever neglected, Romans and Papal subjects, by your Father and Sovereign, who has given the most certain proofs of his care for you, and is ready to give still further, if he shall be found worthy to obtain from God that he instil into your hearts and into those of all Italians the peaceful spirit of his wisdom; and is likewise ready to resist by virtue of the institutions already given all turbulent attacks, as he would be ready to resist demands not consistent with his duties and with your happiness. Hear then the paternal voice which gives you confidence, and be not moved by that cry which issues from unknown mouths to agitate the people of Italy by the fear of a foreign war, assisted and prepared by internal conspiracies, or by the malevolent inertness of rulers. This is deceit; it is to drive you on by terror to seek the public safety in confusion: to confound by tumult the counsels of those who govern you: and by disorder to prepare pretexts for a war which no other motive could rouse up against us. What danger, indeed, can hang over Italy so long as a bond of gratitude and of trust, not corrupted by any violence, unites together the strength of the people with the wisdom of their Sovereigns, with the holiness of right? But we chiefly, we, the Head and the Supreme Pontiff of the most holy Catholic religion, should we not, it may be, have, if unjustly assailed, innumerable sons to defend us, who would support as their father's house the centre of catholic unity? A great gift of heaven is this amongst the many by which it has favoured Italy: that hardly 3,000,000 of our subjects should have 200,000,000 of brothers of every

nation and of every language. This was in far other times, and in the overthrow of the whole Roman world, the safety of Rome. For this the ruin of Italy was never total. This will ever be her safeguard so long as this Apostolic See shall remain in its centre. Oh, bless, therefore, great God, Italy, and ever preserve to her this greatest of all gifts, faith! Bless her with the benediction which your Vicar, prostrate on earth, humbly begs of you. Bless her with the benediction which the saints to whom she gave birth implore of you for her, the queen of saints who protects her, the apostles of whom she preserves the glorious relics, your Son made man, who sent his representative on earth to reside in this Rome.

Datum Romæ apud Sanctam Mariam Majorem die 10 Februarii, anni 1848, Pontificatus nostri anno secundo.

PIUS PP. IX.

(*Inclosure 3.*)—*Mr. Petre to Sir George Hamilton.*

(*Extract.*)

Rome, February 12, 1848.

THE people began to collect in numbers yesterday about 2 o'clock, in the Piazza del Popolo, whence to proceed along the Corso to the Quirinal Palace to thank His Holiness for his proclamation of the previous evening.

In the procession were officers of the line and of the civic guards, soldiers of both services, gendarmes, and various classes of the population, all mingled together, in number from 2,000 to 3,000, and walking in regular order, arm-in-arm; wearing, some the Papal colours, some the Italian tricolour, and accompanied by flags of every description. Many priests, one carrying the banner of the University, and surrounded by the students, joined in the procession. The cries of "Viva Pio Nono! solo!" the last word uttered by few. "Evviva i nostri fratelli Italiani! l'indipendenza dell' Italia! e Siciliani;" &c., were answered and cheered by countless spectators from the windows, decorated with flags, inscriptions, and banners. Some few cries of "la costituzione!" were heard. A vast crowd was already collected in front of the Quirinal, and on the arrival of the procession, His Holiness appeared in the balcony, accompanied by the staff of the civic guard and of the line, whom he had previously addressed in animated terms, reminding them of the fidelity they owed to their Sovereign and to the supreme head of the Church.

After the usual prayer, before the benediction in Latin, His Holiness paused, and then spoke, in his usual manly tone of voice, and in the most animated but affectionate manner, nearly as follows: People of Rome!

Before the benediction of God descends upon you, upon the whole State, and I will likewise repeat on the whole of Italy, I pray that you

be united in heart, and that your demands may not be contrary to the sanctity of this State of the Church. Certain cries, however, which come not from the people, but from a few, I cannot, I ought not, I will not permit. I pray, therefore, God to bless you, under the express conditions that you are faithful to the Pontiff and to the church. With these premises I bless you, I bless you with all the expansion of my soul. Remember the promises you have made, and be faithful to God, to religion, and to the Holy See. '

The more than usual enthusiasm which broke forth at the close of every sentence of the above short address, produced the deepest impression, contrasted as it was by the deathlike silence which prevailed during the utterance.

The appearance, the conduct, and the manner of the crowds assembled in various parts of the town, were widely different, it was generally remarked, from what was witnessed but three days previously.

Sir George Hamilton.

WILLIAM PETRE.

(*Inclosure 4.*)—*Mr. Petre to Sir George Hamilton.*

SIR,

Rome, February 13, 1848.

I HAVE the honour to acquaint you, for the information of Viscount Palmerston, that His Holiness has accepted the resignation of Cardinal Riario Sforza, Camerlengo of the Church, as Minister of Commerce, of the Fine Arts, of Industry, and of Agriculture; of Monsignore Savelli, Minister of Police; and of Monsignore Rusconi, Minister of Public Works: and has, by letters of his Eminence the Secretary of State, appointed in their stead, Count Pasolini, Counsellor of State for the Province of Ravenna, Minister of Commerce, &c.; the Advocate Sturbinetti, one of the Conservators of the Senate, Minister of Public Works; and Don Michelangelo Caetani, Prince of Teano, son of the Duke of Sermoneta, of one of the most ancient families in Rome, Minister of Police.

The above appointments were officially announced in the "*Gazetta di Roma*" of yesterday evening.

Some arrests have been made of frequenters of a political café in the Corso, Caffé delle Belle Arti, natives of the Romagna; of one from Leghorn; and of a Roman: the last, I understand, for a seditious cry, "Down with the sacerdotal Government," or some such, immediately under the balcony of the Quirinal Palace, in the presence of His Holiness, on the 11th instant, and to which he alluded in his address to the people, as reported in my last despatch.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 96.—Sir G. Hamilton to Viscount Palmerston.—(Rec. Feb. 28.)
 MY LORD, *Florence, February 18, 1848.*

I HAVE the honour to transmit herewith to your Lordship the copy of a note which I received yesterday from the Minister for Foreign Affairs, inclosing the new Constitution for the Tuscan States; and I also inclose my reply to the same.

Of the three Constitutions which have lately appeared in Italy, the one which Tuscany has obtained appears most complete and ably drawn up, although perhaps it is the most liberal, as, according to the XXXth and XXXIst Articles, the suffrage may almost be considered to be universal.

The first Chamber is called the Senate, and is not hereditary; but in other respects this new Constitution bears considerable resemblance to the Constitution of Great Britain. It is evident that great pains have been bestowed on the formation of it.

The rejoicings in Florence yesterday were of the most enthusiastic kind: in the evening the Grand Ducal Palace, the Cathedral, and the whole city, were brilliantly illuminated.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure 1.)—Count Serristori to Sir George Hamilton.

Florence, le 17 Février, 1848.

LE Soussigné Conseiller d'Etat, Ministre des Affaires Etrangères, a l'honneur de transmettre ci-joint à son Excellence Sir G. B. Hamilton, Ministre Plénipotentiaire de Sa Majesté la Reine de la Grande Bretagne, un exemplaire du statut fondamental par lequel Son Altesse Impériale le Grand Duc de Toscane vient d'établir dans ses Etats un système Représentatif complet.

Le bien-être de ses peuples, qui lui a tenu toujours si vivement à cœur, a déterminé Son Altesse Impériale et Royale à leur donner de sa libre et entière volonté, cette preuve ultérieure de sa confiance, en les appelant à participer activement à la discussion des affaires publiques.

Monseigneur le Grand Duc de Toscane désire que ses sentiments susdits soient portés à la connaissance de Sa Majesté la Reine de la Grande Bretagne, conjointement à l'assurance que les rapports de parfaite amitié existants si heureusement entre les 2 Cours et leurs Gouvernements, seront non seulement maintenus avec soin, mais cultivés et resserrés à l'avenir avec tout l'empressement par le concours de ses peuples.

Le Soussigné heureux de pouvoir être l'interprète de tels sentiments de son auguste Souverain, profite, &c.

L. SERRISTORI.

(*Inclosure 2.*)—*Decree granting a Constitution in Tuscany.*—
Feb. 15, 1848. [See Vol. XXXVI. Page 912.]

(*Inclosure 3.*)—*Sir George Hamilton to Count Serristori.*

Florence, February 18, 1848.

THE Undersigned, Her Britannic Majesty's Minister Plenipotentiary at the Court of Tuscany, has the honour to acknowledge the receipt of Count Serristori's note, dated the 17th instant, accompanied by a copy of the Royal Motuproprio embodying the Articles of the Tuscan Constitution granted by the Grand Duke. In accordance with the desire intimated in his Excellency's communication, the Undersigned will lose no time in conveying this intelligence officially to Her Majesty's Government.

The Undersigned also takes this opportunity of expressing his sincere hope that this liberal measure of state policy adopted by the Grand Duke of Tuscany, so important to the future fate of this country and to the whole of Italy, may not fail to contribute to the happiness of the Sovereign, the loyalty of his subjects, and the peace and prosperity of Tuscany.

The Undersigned, &c.

Count Serristori.

GEORGE B. HAMILTON.

No. 97.—Sir G. Hamilton to Viscount Palmerston.—(Rec. Feb. 28.)
 MY LORD, *Florence, February 19, 1848.*

THE Austrian Chargé d'Affaires at this Court informed the Minister for Foreign Affairs that he could not suffer the arms of the Austrian Mission to remain outside Baron de Neumann's residence during the night of the illuminations and boisterous rejoicings for the publication of the Constitution which took place on the 17th instant, unless the Tuscan Government would answer for their not being exposed to insult on that occasion. To this intimation, which was sent in writing, a reply was made, which Baron Snitzer thought ambiguous, and was not satisfied with.

The Austrian arms were therefore removed for the night, which passed over tranquilly, and were replaced on the following morning.

I am informed that Baron Snitzer added in his communication, that he had no instructions from his Court how to act under the circumstances of the political change which has created so much sensation: but that the Tuscan Government must consider the Austrian Legation entirely foreign to the whole proceedings, and unable to recognize them or to take any part in the demonstrations.

In consequence, the general order to illuminate the public buildings and palaces was not observed at the Austrian Minister's house.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

P.S.—A strong force was added to the usual guard at the Borgo Pinte, which gate of the town is close to the Austrian Legation, for the purpose of preventing any popular violence being directed against the residence of Baron Neumann on the night of the illuminations.

G. H.

No. 98.—*The Hon. R. Abercromby to Viscount Palmerston.*

(*Received February 28.*)

MY LORD,

Turin, February 20, 1848.

ALTHOUGH it is more than probable that Her Majesty's Ambassador at the Court of Vienna will have before this transmitted to your Lordship the text of the Treaty* between Austria and Modena, signed at Vienna on the 24th of December last, I nevertheless forward herewith to your Lordship a printed copy of it in Italian as it appeared in the "*Gazzetta Piemontese*" of yesterday, and I add also a translation of the same into English.

A Treaty of the same tenor and to the same effect has also been concluded between His Majesty the Emperor of Austria and His Royal Highness the Infanta Duke of Parma.

The provisions of these Treaties have for object to secure for the Dukes of Parma and Modena, the military protection of Austria in all cases of attack from without; and of Austrian military assistance on a requisition from either of the above-mentioned Dukes, in cases of internal disturbances, should the forces of either of the Dukes be insufficient to maintain order within their respective territories.

There is, however, a declaration contained in the beginning of the IInd Article of this Treaty now inclosed, which is deserving of particular notice.

It is therein declared "that the States of the Duke of Modena entering thus within the line of defence of the Italian provinces of His Majesty the Emperor of Austria," the right of marching Imperial troops into the territory of Modena, and of occupying the fortresses of that duchy, is acquired by His Imperial Majesty, whenever the interests of a common defence, or, "military precautions," may require it.

It is clear that the practical result of the stipulations of this Article will be to alter considerably the position of Austria, so far as regards her military frontier in Italy: and that she has, in the guise of an ally of Modena, in reality advanced her own military posts from the banks of the Po to the frontiers of the Papal and Tuscan States.

The advantages thus gained by Austria, far exceed those which the Duke of Modena acquires under this Treaty.

The assistance and protection of Austria could never have failed him upon application for it, in the event of the emergencies occurring

as specified in Articles I and III of this Treaty, whereas Austria secures for herself, by the wide and ambiguous expression of "military precautions," the right at once to occupy the territory and fortresses of Modena, whenever she may think fit; or that she may meditate assuming a threatening, if not a hostile, attitude towards the States of the Church, as well as towards those of the Grand Duke of Tuscany.

Your Lordship will also observe, that Article IV of this Treaty prevents the Duke of Modena from concluding with another Power a military Convention of any kind, without the previous consent of His Majesty the Emperor of Austria.

It is difficult not to feel that the ground thus taken by Austria is calculated to alarm those States which are now brought into immediate contact with her; and it would hardly be a matter of surprise, if, in consequence, they should be of opinion, that for their own safety, it was necessary to enter into engagements for their mutual protection and support. As yet, I am not aware that any steps in that direction have been taken, but the spirit of the provisions of this Treaty will not be overlooked by the rest of Italy; and I much fear that fresh matter will be found in them to feed the feeling of antipathy already existing against Austria.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 99.—*The Earl of Westmorland to Viscount Palmerston.*

(Received February 28.)

(Extract.)

Berlin, February 24, 1848.

I MENTIONED to Baron Schleinitz the report which had been transmitted to your Lordship by Lord Napier as to the collective note presented by the Ministers of Austria and Russia and the Chargé d'Affaires of Prussia, encouraging the King of Naples to persevere in withholding the grant of a Constitution from his people.

Baron Schleinitz replied that he had no authority to speak upon this subject, but he would say that although he had not seen the document alluded to, he knew it was not a collective note but rather a memorandum which had been drawn up in obedience to the King's request, which was against the concession of a Constitutional form of Government; that in the part the Prussian Chargé d'Affaires had taken on this occasion he had acted entirely without instructions.

Viscount Palmerston, G.C.B.

WESTMORLAND.

No. 100.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received February 29.)

(Extract.)

Turin, February 23, 1848.

I INCLOSE herewith a proclamation issued at Milan on the 22nd instant, containing a series of articles empowering the police

authorities to proceed in a summary manner to the trial and punishment of all offenders against public order, or persons guilty of any political demonstration.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(*Inclosure.*)—*Proclamation issued at Milan.*

(Translation.)

February 22, 1848.

IN his proclamation of the 9th of January last, His Majesty has deigned to express the painful sensation which has been produced on him by the disturbed state of his Lombardo-Venetian kingdom by means of some restless persons, who instigated from abroad, and influenced by interested views, endeavour to overturn the present legal order of things, declaring at the same time that it is his firm resolution to maintain the safety and internal and external tranquillity of his said kingdom with all those means which Providence has conferred on him, mindful of his duties as a Sovereign, the first of which is to watch over the prosperity of the State, and the protection of his faithful subjects. It being now necessary that both the judicial power and the police authorities be provided with those greater powers which the necessities of the moment and the importance of these offices demand, His Majesty has commanded, that for all those acts which disturb the public tranquillity, and are punishable by the laws now in force, there shall be summary process according to the regulations published contemporaneously with the present, in another notification of this day's date.

In addition to the offences against order and tranquillity contemplated in Part 1 and 2 of the Penal Code, there are other acts which, though in themselves innocent, may acquire a dangerous character in times of political agitation, like the present. In such case it is, and always has been, the duty of the police to interfere, either for the prevention of such acts, or for their repression. In order to furnish it with the means requisite for effecting this duty, and to guarantee it from the charge of arbitrary acts, the following regulations are published.

Whenever an act, innocent in itself, as, for example, the wearing or exhibition of certain colours, the carrying of certain distinctions or marks, the singing or declaiming of certain songs or poems, the applauding or hissing of certain passages of a dramatic or mimetic piece, the assembling at any given place of meeting, the dissuading from holding intercourse with certain persons, the making collections, or getting subscriptions, or any similar matter, shall assume the character of a political demonstration, contrary to the lawful order now existing, the political authority of the province pronounces its prohibition.

The same shall take place for those meetings in public or private

places in which a tendency is manifested hostile to the said order, where it is a recognized rule that only such persons are admitted as belong to a given party, and others of the opposite party excluded.

The same shall take place if any one, with intentions subversive of order, shall endeavour to limit the individual liberty of others by threats, ridicule, reproof, or abuse.

The prohibition of such acts may be ordered by the police authorities according to circumstances; either (a) by an injunction to be made only to the offending party, or (b) by publishing the prohibition throughout a place, district, or province, as binding on all.

In both cases a penalty shall be added to the prohibition.

In the first case (a), the threatened penalty consists—

1. In a fine which may amount to 10,000 Austrian lire, for the benefit of the poor-house or other charitable institution of the place.

2. In banishment from the place where the offence has been committed, without any limitation as to the plan of ulterior residence.

3. In restricting the residence of the offending party to a given place within the Lombardo-Venetian Kingdom, or beyond the same.

4. In arresting the party, as determined by § 89 of the Part II of the Penal Code.

5. With regard to persons not Austrian subjects, without reference to the period of their residence in the Austrian States, in banishment from all the provinces of the monarchy.

Which of these penalties should be adopted in each case must depend on the circumstances, and on the more or less danger to be apprehended from the offender: wherefore, without wishing to fix a graduated scale, the decision is left to the police authorities.

In the second case (b) the general prohibition is sanctioned by reference to the penal measure contained in § 89 of Part I of the Penal Code. The police authorities are, however, authorized in special cases to substitute for the penalties awarded in the paragraph mentioned, those given at the Articles I, II, and III.

With regard to the prohibitions indicated under letter (a) they shall begin to take effect as to liability to punishment immediately after the signature of the minute that intimation has been given, which shall be drawn up in each case of such prohibition, and shall be retained by the provincial police authorities; with regard to prohibitions indicated under letter (b) they shall take effect 24 hours after the prohibition shall have been publicly posted up in the places appointed for the same.

The penal process shall be the same as in police offences, which are not included among serious political transgressions. The provincial police authority pronounces the decision, against which there may be an appeal to the office of Government, but not later than 24 hours after intimation of the same.

The appeal shall not preclude the provincial police authority from proceeding, while awaiting its decision, to take those measures which may be thought requisite to prevent the guilty party from again committing the same offence, or escaping the execution of the penalty.

In commanding the publication of the present rigorous measures, which are rendered necessary by the urgency of the circumstances, His Majesty trusts that the quiet inhabitants of the Lombardo-Venetian Kingdom will see in them nothing more than another paternal provision for the repression of a spirit of infatuation which has insinuated itself from without, and is fomented by a few turbulent, or imprudent, or perverse men, and which seriously menaces the moral tranquillity and physical well-being of the Lombardo-Venetian Kingdom. Such measures cannot render doubtful the paternal feelings of His Majesty towards his subjects of the Lombardo-Venetian Kingdom, because their severity can only reach those who, after the publication of the present, shall not lay aside their guilty movements against social order and the State, instead of placing their confidence in the paternal heart of His Majesty, always inclined to promote the welfare of his subjects.

IL CONTE DI SPAUR, *Governor.*

No. 101.—Consul-General Dawkins to Viscount Palmerston.

(Received February 29.)

(Extract.)

Milan, February 20, 1848.

THE intelligence of a Constitution granted in Piedmont, following so rapidly the news from Naples, together with the accounts from Tuscany and Rome, have added considerably to the feeling of excitement and irritation prevailing in these provinces, and I am sorry to say this feeling is becoming every day more and more apparent. Disturbances have occurred at Pavia and Padua, where the hot blood of the students has brought them into collision with the military, who on their part are now little disposed to bear with moderation anything like an affront. At Padua the disturbance was serious; several students were wounded and one killed, and I believe one or two soldiers likewise lost their lives. The majority of the students both at Pavia and Padua have gone to their homes, and some of the professors of the latter university have resigned their appointments. Much excitement has been caused in the Venetian provinces by this affair, and the Podestà and Delegate of Venice have proceeded to Vienna to urge upon the Government the necessity of taking some steps to calm the public mind. The different versions of the origin of these disorders vary so completely, each side throwing the blame of the provocation on the other, that it is almost impossible, short of being an eye-witness, to arrive at a true knowledge of the facts.

Certainly, in most of the towns, every opportunity is taken of insulting and maltreating the soldiers whenever they are met with singly or in small bodies. Two or three affrays have taken place at Milan. In one case, a young officer was attacked at night by three persons armed with sticks, but although severely beaten he succeeded in wounding one of them, who was captured. In another case, a man fired a pistol at two officers walking along in the streets in the evening. In both these instances the provocation does not appear to have been given by the officers, but here again the two versions differ completely. The military, naturally irritated and exasperated by such treatment, are led perhaps to assume an air of defiance, and thus where each party is almost equally ready to resent anything like an affront, constant collisions, increasing in bitterness, and leading to the most serious results, may be looked for. Nor is it easy to foresee a termination to this state of things, which in the meantime is producing the most disastrous effects on the prosperity of the country. The tradesmen and shopkeepers in the large towns, particularly Venice and Milan, complain bitterly. The great houses are shut, and society is at an end.

But what in the midst of all this, are the steps taking by the Government? Nothing can be worse than the proceedings of the local authorities, or more calculated to estrange the feelings of those who are still disposed to support them. A want of union; weakness on some occasions; the most arbitrary exercise of power on others; disagreement between the civil and military functionaries; the apparent assumption of great powers by the latter; and, worst of all, delay, are too evident. I have already mentioned to your Lordship the arrest of various individuals both here and at Venice. Proceedings have been instituted against the two gentlemen, Messrs. Manin and Tommasco, arrested at Venice; and although there is every reason to believe the accusation against them cannot be supported, still they will have had the form of a trial. But the persons arrested here were sent off without any trial or form of proceeding whatever; and although they are not confined in prison, but are allowed to go at large, under the surveillance of the police, at their respective places of banishment, Linz and Laybach, the conduct of the Government towards them is severely arraigned. There is no doubt that some, if not all of these persons, were amongst the most determined opponents of the Government, and that their language has been most violent. But it is to be lamented that the Government does not, for its own sake at least, make known the grounds upon which it has acted. Several persons having notice that a similar fate awaited them, have escaped across the frontier. The only foreigners hitherto ordered to leave the country are the Marchioness Azeglio, the wife of the celebrated writer, and the Prince Pio, a Spanish nobleman, and his family.

The Government is unremitting in its endeavours to discover the members of the secret committee, of the existence of which it is convinced. Nothing, however, as far as I can learn, that has been found among the papers of those who have been arrested, or of those who have fled from arrest, has afforded any positive proof of who are the members of this society, nor indeed of its existence. That some directing power does exist, is undoubted, and it is extraordinary with what rapidity and unanimity its decisions are adopted, which could not be the case were it not seconded, in a great measure, by the general feeling. The word is passed that on the following day the theatre is to be deserted, or to be crowded, or mass to be attended in a certain church, or a certain part of the Corso to be frequented, and it is done. The chief members of this direction are well known, but there is no proof of their being such, and hence the greater exasperation of the authorities, who are led to the adoption of extreme measures in the hopes of making the desired discovery. These measures have certainly intimidated to a great extent, but they have also irritated very much, and they are contrasted with the language of the Viceroy in his proclamations, which I have already had the honour to forward to your Lordship, wherein His Imperial Highness alludes to his well-founded hopes (*"le mie più fondate speranze"*) that measures of reform and concession might be shortly expected from Vienna. The absence of any sign of such measures has very much injured the position of the Viceroy.

In the meantime, the most exaggerated and mischievous reports are circulated, and find ready credence in the minds of the people, who are incessantly worked upon by the emissaries of the disaffected party. The press of the neighbouring States is not backward in propagating these stories. An article which appeared a few days ago in a Roman paper, announcing that 400 Austrian soldiers had crossed the Ticino, and had been repulsed by a body of 250 Piedmontese, was eagerly caught up and believed, so much so that the Government here was obliged to publish a contradiction. Additional proclamations have been issued by the police, forbidding all kinds of demonstrations, and the wearing of any distinctive badge or article of dress. In short, the Government seem determined to keep down, by sheer force, all expression of political feeling. They say, I am told, that the present is not the moment to grant favours; that such a proceeding would look like yielding to intimidation; and that in the present state of Italy no concessions whatever would have prevented the turbulent and disaffected in these provinces from stirring up troubles and disorder. They say, "How can we make concessions to people who openly declare that nothing will satisfy them, and that they will never rest until they have got rid of the Austrians?" That such language, on the part of many people here, is very common, and

that it is little calculated to induce concessions, is true; but I venture humbly to express my opinion to your Lordship, that no time is to be lost in removing from the Lombardo-Venetian Kingdom all those causes of discontent which may have been ascertained to be well founded, and in granting whatever concessions Austria may be prevailed upon to make in accordance with the spirit of the age.

Your Lordship will doubtless have received from Her Majesty's Embassy at Vienna, a copy of the Treaty concluded between the Emperor of Austria and the Dukes of Modena and Parma, on the 24th December last, but I nevertheless inclose a copy of this document, as it appeared in the Milan official Gazette of the 18th instant. The Duke of Parma has required the presence of additional Austrian troops in Parma, and a battalion of infantry has accordingly proceeded thither from Piacenza.

I understand that the force assembling in these provinces will exceed, on paper, 100,000 men, of which I am assured more than 90,000 may be reckoned upon as effective, or "disponibles." In this force is to be included the artillery, which will consist of 20 batteries, or 120 guns. Great exertions are making to provide this arm with good and serviceable horses.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

No. 102.—Consul-General Dawkins to Viscount Palmerston.

(Received February 29.)

MY LORD,

Milan, February 22, 1848.

I HAVE the honour to inclose copies of 2 proclamations issued this day by the Government, the one conferring upon the police the power of judging by summary process all minor offences against the public tranquillity, and punishing them by fine, banishment, or imprisonment, according to the discretion of the police, in cases of Austrian subjects, and by sending out of the empire in cases of foreigners; the other inclosing an Imperial Decree, bearing date Vienna, 24th November, 1847, authorizing the trial by special commission ("giudizio statario") of all cases of high treason, insurrection, resistance to the armed force, and the more serious offences against the public peace.

According to this decree, the trial is to take place immediately upon the commission being made acquainted with the offence, is to be proceeded with uninterruptedly, and to be concluded in 14 days. In cases where it is not possible to conclude the trial within this period, the ordinary tribunal takes cognizance of the cause.

Those guilty of high treason, or of instigating others thereto, of insurrection or rebellion when combining the intention of high treason, those who with the like intent forcibly oppose the armed force or

the public functionaries, or those who with arms in their hands take part in a popular riot, and refuse to withdraw when summoned to do so, incur the penalty of death without appeal. Only in cases where the tribunal considers that there are very strong extenuating circumstances, or that sufficient example has been given by the execution of one or more of the chief culprits, it may refer the sentence to the supreme authority.

This decree is to come into operation 14 days after its publication in the Gazette of the city in which the Government resides.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(*Inclosure.*)—*Proclamation issued by the Governor of Milan.*

Vienna, November 24, 1847.

SOVEREIGN RESOLUTION.

WITH the object of maintaining public tranquillity in the Lombardo-Venetian Kingdom, I have resolved to ordain that, in the cases herein mentioned of high treason, disturbance of public order, insurrection, and rebellion, and for serious offences against the public peace, there shall be established a Special Commission (*Giudizio Statario*) according to the following rules :

§ 1. The Special Commission shall act against

a. Any person who, after the publication of the present law in the Lombardo-Venetian Kingdom, shall provoke, instigate, or attempt to seduce others, although ineffectually, to the offence of high treason contemplated by § 52, letter *b*, of the first part of the Penal Code, or to the offence of insurrection, or that of rebellion (§§ 61 and 66 of the first part of the Penal Code), when the intent of high treason is joined thereto.

b. Against any person who, with the same intent, or during an insurrection or rebellion arising from any cause whatever, shall oppose the armed force by acts, or commit violence against public functionaries, or against persons exercising any office of magistracy, or against a guard.

c. Against any person who, with arms in his hands, shall take part in any popular commotion or mutiny, and when summoned by authority or by armed force to withdraw, shall not promptly obey, and who shall be arrested during the insurrection or rebellion with arms or other deadly instruments.

d. Against any person who shall excite a popular commotion, either by public speeches calculated to inspire hatred to the form of Government, the administration of the State, or the Constitution of the country, or by any other means for the same purpose (§ 57 of the first part of the Penal Code), or who shall take an active part in a popular commotion excited by such means.

e. Against any person guilty of grave offences against the public peace.

§ 2. In all those cases the Special Commission shall be held by the ordinary criminal tribunal of the place where the offence shall have been committed, and it shall be formed so soon as information of the case shall be received, without waiting for an order from superior authority, and without the necessity of a previous publication.

In order to discuss the case whether or not the Special Commission is applicable, not less than 4 judges must be present, together with the President. The selection of the judges is referred to the President of the Tribunal, or to the person who acts for him.

§ 3. All those persons who are taken in the fact, or against whom there is sufficient legal evidence to give well-grounded expectation that legal proof of their guilt will be speedily produced, shall be brought before the Commission, without regard to their usual residence, or the place where they were arrested.

§ 4. The Criminal Tribunal is authorised to form the Special Commission even against military persons, or persons subject to military jurisdiction, if they shall be arrested by the civil authority. But it is incumbent on the tribunal to give immediate notice of the same to the nearest military command, stating the name, birthplace, and military rank of the accused. The tribunal is also authorised to summon directly witnesses subject to military jurisdiction, but it must give information of that also to the nearest military command.

§ 5. The whole proceeding, from beginning to end, shall be held before the Commission formed as above (§ 2) and if possible without intermission.

§ 6. The inquiry must, as a general rule, be limited to the fact for which the Special Commission was instituted, and therefore no question shall be made of accessory circumstances which are not of essential influence in the determination of the punishment, nor of any other offences which may be alleged against the accused. In the case where the accused may be liable for some other offences to a greater punishment than that on account of which he may be brought before the Special Commission, and where those offences are connected, in that single case the Special Commission shall inquire into both; in any other case, the process relative to the second offence shall be conducted before the same* Criminal Tribunal in the ordinary manner.

§ 7. The discovery of accomplices shall not be neglected, but the passing and execution of the sentence may not be delayed on this account, unless so far as there may be well-grounded expectations of finding out important circumstances regarding the designs or the extent of the enterprise, or of discovering and convicting the principal author.

§ 8. The term within which the Special Commission must complete the trial, and pass sentence, is fixed to 14 days, dating from that in which the inquiry began. If the guilt of the accused cannot be proved by the Special Commission within that period, the inquiry shall be continued before the same Criminal Tribunal in the ordinary manner.

§ 9. Against persons found guilty of one of the offences enumerated in § 1, under letters *a*, *b*, and *c*, the pain of death is awarded, provided it be in concurrence with the conditions of §§ 430 and 431 of part I of the Penal Code. The sentence of death is as a general rule (§ 11) pronounced, published, and executed in the manner prescribed by the Special Commission.

§ 10. Against such sentence of death there shall be no appeal nor petition for pardon.

§ 11. In the single case where the Criminal Tribunal, in consequence of important extenuating circumstances, thinks proper to implore the sovereign favour for pardon of the punishment of death; or where, from the pain of death having been already inflicted against one or more of the chief offenders, an example of salutary terror has been already made sufficient to re-establish tranquillity, shall the sentence be submitted to superior and supreme authority, which shall proceed according to the ordinary rules.

§ 12. Against other individuals whose guilt has been proved by trial before the Special Commission, but to whom § 9 is not applicable, the award of punishment shall be determined by the general rules of the Penal Code, relating to the offence for which the trial has been held; with regard to the notification and execution of the sentence, the provisions of §§ 9 and 10 shall apply to these cases also.

§ 13. Against persons brought before the Special Commission for grave offences against the public peace, sentence shall be passed according to the rules of the Penal Code for such offences, and it shall be forthwith executed. No appeal shall lie against such sentence, nor shall petition for pardon be permitted.

§ 14. A minute shall be made of the acts of the Special Commission according to the rules of § 513 of the first part of the Penal Code; and with regard to the trial, in cases in which the sentence shall have been carried into effect without being first submitted to superior authority, the minute shall be transmitted to the superior Criminal Tribunal within 3 days at furthest after the closure of the Special Commission.

§ 15. With regard to those accused persons against whom there shall not be evidence sufficiently stringent to bring the Special Commission to bear against them, the same Criminal Tribunal which shall have opened the Special Commission, shall proceed against them

according to the ordinary forms, but without regard to their usual domicile, or to the place of their arrest.

§ 16. The present law shall take effect after 14 days from the date of its first insertion in the Gazette of the city in which the Government is resident.

Vienna, November 24, 1847.

FERDINAND.

No. 111.—*Sir G. Hamilton to Viscount Palmerston.*—(*Rec. March 7.*)
MY LORD, *Florence, February 28, 1848.*

I HAVE the honour to transmit herewith a despatch I have received from Mr. Petre, at Rome, stating that the committee of prelates and cardinals was still sitting for the purpose of considering the best mode of proposing such changes in the institutions as would be most expedient under present circumstances.

Those persons who are conversant here with Roman affairs, believe that it will be difficult to form a Senate or Upper Chamber composed of so many cardinals who are not natives of the Roman states, and to whom it is therefore inexpedient to give a preponderating influence in temporal matters concerning a country to which they do not belong.

It seems probable that the jurisdiction of foreign prelates will be confined to spiritual matters alone, and that in temporal affairs the legislature will receive the assistance only of lay noblemen and cardinals who are not foreigners.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Mr. Petre to Sir George Hamilton.*

SIR,

Rome, February 23, 1848.

SINCE my despatch of the 13th instant, Rome has been quiet. Some strangers have, in addition to the arrests therein mentioned, been ordered to leave Rome. A little more attention has been paid to the conduct and discipline of the civic guards; and on Sunday, the 20th, they mustered in the court of the Belvedere of the Vatican, in the presence of His Holiness, who, addressing them, said that in them he saw order and peace, the enemies of anarchy, the friends of the Holy See and of the Pontiff.

A commission of ecclesiastics, cardinals, and prelates, has been appointed by His Holiness to take into consideration the better regulating of the institutions already granted, and to propose such system of Government as is compatible with the authority of the Pontiff and with the wants of the day. Some plan of a representative system of Government is, in consequence of this announcement, confidently expected, and the newly-formed Ministry is looked on as one of transition; for the recent events in Naples, Tuscany, and Piedmont, have

rendered a modification of the very foundation of the Government inevitable, and hence the naming of a Ministry able to reconstruct the executive power, and to adapt it to the organic change now loudly called for.

The municipal council of Bologna has already addressed His Holiness on the subject, calling on him to yield to the desires and hopes of his subjects, and to grant them a form of Government which other Sovereigns of Italy, first roused by his voice, have assured to theirs.

The municipal councils of other provinces and towns of the Papal States are preparing to follow the example of Bologna; some indeed have already done so, and in terms, I hear, not so respectful. The council and Senate of Rome, for fear rather of some declaration from the more violent politicians, members of the Roman Club, *Circolo Romano*, will present an address to His Holiness on the same subject in a day or two.

I hear from fair authority that in most of the provinces and towns, Bologna excepted, but especially in Ancona, Forli, Ravenna, police authority can hardly be said to exist; it certainly does not attempt to repress lawlessness and crime.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 112.—*Count Dietrichstein to Viscount Palmerston.*

Chandos House, le 7 Mars, 1848.

LE COMTE DIETRICHSTEIN présente ses complimens à son Excellence le Vicomte Palmerston, et a l'honneur de lui transmettre la copie d'une dépêche qu'il a été chargé de lui communiquer.

(*Inclosure.*)—*Prince Metternich to Count Dietrichstein.*

M. LE COMTE,

Vienne, le 23 Février, 1848.

LORD PONSONBY m'a donné le 19 de ce mois connaissance de la dépêche ci-annexée en copie du Principal Secrétaire d'Etat.

En rédigeant la dépêche du 11 Février, Lord Palmerston n'a point pu mettre en doute, la satisfaction que nous ferait éprouver l'assurance qui y est consignée des sentiments d'amitié et de pleine confiance que nourrit à notre égard le Gouvernement Britannique. L'intérêt qu'il est juste d'attacher à l'existence et un constant échange de ces sentiments entre les 2 Cours, a indubitablement une portée qui n'est point restreinte à leurs intérêts directs; ces sentiments ont la valeur d'un gage pour l'ordre public et le maintien de la paix politique.

Lord Palmerston rappelle dans sa dépêche du 11 Février, les assurances qui de temps en temps ont été transmises de la part de notre Cabinet au Gouvernement Britannique, de sa détermination de poursuivre à l'égard des affaires de l'Italie, le système de conduite

que sa Seigneurie caractérise comme étant à la fois le plus sage, le plus juste, et le plus conforme aux stipulations des Traités de 1814, comme aux principes de la justice internationale. L'expression de ce sentiment de Lord Palmerston me ramène forcément, Monsieur l'Ambassadeur, au contenu de la dépêche circulaire que j'ai adressée le 2 Août de l'année dernière aux Cours de Grande Bretagne, de France, de Prusse, et de Russie. L'objet de cette dépêche n'a été autre que celui de prendre envers les 4 Cours, une initiative à l'égard du principe sur lequel nous entendions nous placer en face du mouvement intense qui s'était fait jour dans la Péninsule Italienne, et de réunir ces Cours à la nôtre sur la base du principe du respect dû aux traités existants et aux délimitations territoriales placées sous leur égide. Les 4 Cours ont accueilli la déclaration que la circulaire portait au nom de notre Cabinet ; et celle qu'en retour chacune des Cours a consignée dans sa réplique à notre office, a pleinement répondu à notre attente.

Si, dans sa dépêche du 12 Août de la même année à l'Ambassadeur Britannique près notre Cour, Lord Palmerston a manifesté sa satisfaction de ce que rien ne semblait l'autoriser à admettre la chance d'événements qui seraient de nature à appeler à leur défense les gardiens des traités, sa Seigneurie n'a point pu mettre en doute que sa confiance à cet égard ne se rencontrât avec nos vœux.

Et si, dans la même dépêche, le Principal Secrétaire d'Etat a ajouté l'observation, qu'à côté du droit de la propre conservation appartenant à tout Etat indépendant, il existe encore un droit, qui également repose sur le principe de la souveraineté, nommément celui du pouvoir légal, d'aviser à telles réformes qu'il regarde comme devant assurer le bien-être du peuple placé sous son autorité, ce principe, Monsieur l'Ambassadeur, comme tout autre règle consacrée par le droit public, a dans tous le temps et dans toutes les occasions été admis et appliqué par notre Cour. Notre sentiment sur la valeur morale et pratique du principe de la liberté du mouvement intérieur de tout Etat souverain et indépendant, en-deçà des limites que tracent à cette liberté les règles de la vie internationale et le respect dû aux droits des autres Etats souverains ; notre sentiment, à cet égard, est tellement prononcé, que nous regardons toute initiative prise par un Gouvernement étranger envers un Etat indépendant—soit que cette initiative ait lieu dans le but de se prononcer contre la législation, les formes gouvernementales et le mode administratif existant dans un Etat tiers, soit qu'elle ait lieu dans le sens d'un appel à des réformes ; comme étant placée en-dehors des facultés légales de l'étranger. A cet égard notre Cour peut défier l'impartiale histoire de produire une circonstance quelconque, dans laquelle elle aurait manqué au respect qu'elle professe pour les droits de l'indépendance, ce premier des droits de tout Etat souverain.

Le respect pour les principes ne préjuge cependant pas la liberté

des impressions, et le droit du jugement que possède tout Gouvernement comme tout individu ; et le jugement que j'ai consigné dans la circulaire du 2 Août, 1847, dans les termes suivans : "les États Italiens sont aujourd'hui agités par un esprit de subversion, dont les conséquences ne sont que trop faciles à prévoir, la position géographique de notre empire nous impose le devoir de fixer avec une attention redoublée nos regards sur la marche que suivront les événements dans ces États," ce jugement n'a, à notre vif regret, reçu que trop tôt la moins suspecte des justifications : celle par les événements.

Si la marche des événements dans les divers États de la Péninsule n'a ainsi point donné un démenti à la prévision que j'ai consignée dans ma dépêche du 2 Août, 1847, il en a été de même de l'attitude qu'à cette époque j'ai annoncée aux 4 Cours, comme étant celle que notre Gouvernement était décidé à assumer en face du mouvement révolutionnaire dans la Péninsule.

La dépêche de Lord Palmerston à Lord Ponsonby du 11 Février, tout en rendant justice à la marche suivie par notre Cabinet, en face d'une situation des choses d'une nature aussi pénible et aussi dangereuse dans ses conséquences que l'est celle dans laquelle se trouve évidemment placée aujourd'hui toute la Péninsule Italienne, cette dépêche ne renferme pas moins une réserve, "à l'égard de la position que la révolution vient de faire au Royaume des 2 Siciles, et de l'influence que cette position peut exercer sur d'autres États d'Italie." Je vous avouerai, Monsieur l'Ambassadeur, que j'ai de la peine à m'expliquer cette réserve appliquée à notre Cour ; elle me paraît manquer d'objet, non seulement, vu la nature des positions, mais également eu égard au contenu de la circulaire de notre Cabinet en date du 2 Août, 1847.

Ce à quoi seul il nous est dès-lors permis de nous attacher dans la dernière communication du Cabinet Anglais, c'est aux assurances du vif et constant intérêt que Sa Majesté Britannique prend à l'alliance entre les 2 empires, et aux vœux qu'exprime la dépêche du Principal Secrétaire d'Etat en faveur de la salubre influence de notre Cour sur la conservation de la paix et de l'équilibre politique.

Le Gouvernement Anglais peut se tenir pour assuré qu'il trouvera toujours l'Empereur notre auguste maître disposé à réunir ses efforts pour le soutien d'une aussi grande cause, à ceux des autres Puissances de l'Europe.

Veuillez, M. l'Ambassadeur, porter la présente dépêche à la connaissance de Lord Palmerston, et lui en confier une copie.

Recevez, &c.

M. le Comte Dietrichstein.

METTERNICH.

No. 113.—*Count Nesselrode to Baron Brunnow.*—(*Communicated to Viscount Palmerston by Baron Brunnow, March 7.*)

St. Pétersbourg, le 12¹/₂ Février, 1848.

LA situation de l'Italie prend chaque jour un aspect plus grave, plus menaçant pour la paix générale. La Sicile est en pleine insurrection, se refuse aux concessions qu'on lui fait, et caresse ouvertement l'idée d'une existence politique indépendante. A Naples, le Roi s'est vu forcé de promettre à ses sujets une constitution sur le modèle Français. Selon toutes probabilités, cet exemple va fructifier au centre et au nord de l'Italie, et la fièvre révolutionnaire, se propageant de proche en proche jusqu'aux possessions Autrichiennes, le Cabinet de Vienne sera tôt ou tard forcé de sortir de son inaction pour résister à un mouvement qui, quelque forme et quelque nom qu'il assume, est en réalité dirigé contre l'Autriche, et renferme pour elle une question de vie ou de mort.

Dans de pareilles circonstances votre Excellence comprendra combien il nous est essentiel de savoir à quoi nous en tenir au juste sur les vues du Gouvernement Anglais.

Notre intention n'est certes pas de mettre à sa charge tous les faux bruits, toutes les fausses inductions qu'on a cru pouvoir tirer en Italie de son langage diplomatique ou de celui de ses agents. Sa politique, nous en sommes convaincus, a été étrangement dénaturée par l'ignorante crédulité des uns et les calculs intéressés des autres. Mais toujours est-il que l'impression générale répandue dans les esprits est celle qu'il existe de sa part un vif sentiment de sympathie pour le succès des tendances libérales, et que le soin extrême qu'il a mis à se prononcer d'avance contre toute intervention Autrichienne a fini par accréditer l'idée qu'il appuie de ses désirs, les efforts que tenterait l'Italie pour rejeter au delà des Alpes ce qu'on est convenu d'appeler le joug Autrichien ; que le Gouvernement Anglais le veuille ou non, les Siciliens et les Lombards se prévalent de son attitude et de la présence de son pavillon, pour s'encourager dans leurs rêves d'indépendance particulière. Partout ailleurs il est regardé comme le protecteur bienveillant de toute révolution ayant pour but l'introduction en Italie des institutions Représentatives. Que le Gouvernement Anglais ait sympathisé avec le système d'améliorations progressives introduit récemment dans leurs Etats par quelques uns des Princes de la Péninsule, c'est une chose que nous concevons ; et nous-mêmes, M. le Baron, nous sommes les premiers à reconnaître qu'en Sicile, à Rome, par exemple, plus d'une réforme de ce genre pouvait être nécessaire. L'Autriche n'a jamais pensé autrement. Mais il n'en est pas moins vrai que, par suite de l'extrême surexcitation amenée par la manière dont on a trop imprudemment inauguré ce système d'améliorations administratives, qui dit aujourd'hui réformes sousentend révolutions, et qu'encourager les premières c'est ouvrir la porte aux

secondes. L'exemple de Naples est là pour prouver qu'en Italie comme ailleurs, le mot spécieux de progrès se traduit, dans la pensée de ceux qui le prennent pour devise, par celui de constitution. Or, quelque naturelle que puisse être chez les hommes d'Etat Anglais leur prédilection pour ce qui se rapproche des formes de gouvernement qui sont propres à leur pays, nous avouons ne pas comprendre quel peut être leur intérêt politique à propager sur le continent le régime Constitutionnel. Nous ne craignons pas de le dire : ils agissent, sans le vouloir, dans l'unique intérêt de la France, dont les idées démocratiques, par la nature du sol où elles tombent, ont bien plus d'écho dans les esprits, bien plus d'affinité avec les mœurs, que n'en peuvent avoir les idées Anglaises. C'est en favorisant l'introduction de ces institutions et le triomphe de ces idées en Espagne et en Grèce, que l'Angleterre y a déjà augmenté la puissance morale du Gouvernement Français ; et c'est pour lui qu'elle travaille en Suisse, en laissant révolutionner par degrés les cantons conservateurs et renforcer le pouvoir central aux dépens des souverainetés particulières. Même chose aura lieu en Italie. D'ici à peu, grâce aux changements qui sont à la veille de s'y effectuer comme ils ont déjà eu lieu dans les autres pays, la France aura conquis par la paix plus que ne lui donnerait la guerre. Elle se verra de tous côtés entourée d'un rempart de petits Etats constitutionnels organisés sur le type Français, vivant de son esprit, agissant sous son influence ; et si plus tard cette France, non plus celle de Louis-Philippe, mais celle qui lui succédera, quand le système de compression adopté par ce Souverain aura cessé de la contenir, obéit aux instincts d'ambition qui tendent à la faire déborder hors de ses limites, le Gouvernement Anglais regrettera trop tard d'avoir affaibli d'avance le ressort des résistances qu'on aurait pu opposer aux Français, paralysé la puissance Autrichienne qui leur servait de contrepoids, et miné ainsi par la base le système défensif fondé autrefois par lui-même de concert avec l'Europe, au prix de tant de calamités, de labeurs et de sacrifices.

Il est peut-être aujourd'hui trop tard pour arrêter l'impulsion qui emporte l'Italie vers des institutions de ce genre ; mais il n'en est que plus urgent d'empêcher au moins que les changements qui auront lieu dans la constitution intérieure de ses divers Etats, n'atteignent aussi la circonscription territoriale qui leur a été fixée par les Traités et la personne des Princes qui les gouvernent. Que l'Angleterre veuille donc bien faire connaître hautement ses intentions. Admettra-t-elle que ce que l'esprit révolutionnaire a déjà obtenu au Nord, par la séparation des deux parties qui constituaient l'ancien Royaume des Pays-Bas, il puisse l'obtenir au Midi moyennant un démembrement du Royaume actuel des 2 Siciles ? Vera-t-elle d'un œil indifférent l'Autriche dépouillée en Lombardie, soit par un soulèvement intérieur, soit par les attaques du dehors, des provinces qui lui sont assurées

par des transactions solennelles? Nous sommes persuadés que non; mais il importe au maintien de la paix que l'opinion faussée des Italiens soit redressée sur ce double article.

Quant à l'Empereur, M. le Baron, s'il se voit dans la position de faire abstraction, en les déplorant, des révolutions intérieures qui peuvent avoir lieu dans la Péninsule, il est d'autre part, fermement résolu, en ce qui concerne l'état de possession assigné aux divers Etats Italiens par les actes dont il est garant, à ne transiger en rien sur la marche que lui prescrivent ses devoirs et ses intérêts politiques. En Sicile il ne reconnaitra aucun changement qui, sous quelque forme ou quelque prétexte que ce soit, équivaldrait à la rupture ou à l'affaiblissement des liens qui unissent les 2 grandes portions du royaume, dont l'indivisible souveraineté appartient à la dynastie actuelle. En Lombardie, son appui moral est d'avance acquis à l'Autriche dans les mesures qu'elle prendra pour s'en conserver la possession; et si les attaques qu'elle aurait essuyées d'un point quelconque de l'Italie, étaient soutenues du dehors par quelque Puissance étrangère, notre auguste maître n'hésiterait pas à regarder une pareille agression comme un cas de guerre Européenne, et à employer dès-lors toutes ses forces disponibles à la défense du Gouvernement Autrichien.

Vous voudrez bien, M. le Baron, communiquer la présente dépêche au Cabinet Anglais, et nous rendre compte des explications que vous obtiendrez en retour.

Recevez, &c.

Baron Brunnow.

NESSELRODE.

No. 116.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received March 10.)

MY LORD,

Turin, March 2, 1848.

I HAVE the honour to inclose herewith to your Lordship copy of a despatch from Mr. Consul Brown, relative to some occurrences which have lately taken place at Genoa. I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—*Consul Brown to the Hon. R. Abercromby.*

(Extract.)

Genoa, March 1, 1848.

LAST night there was an attack made on the Jesuit's college: all the windows were broken, the papers torn and thrown out, and the inhabitants, 19 in number, expelled. To appease the people, the Governor this morning issued a notification that the Jesuits are no longer there. They were taken to the Darsina, and I have reason to believe that they were allowed temporary shelter on board the *San Michele*, until their further destination be determined upon at Turin.

The Hon. R. Abercromby.

W. K. BROWN.

No. 117.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received March 8.)

(Extract.)

Turin, March 3, 1848.

I HAD yesterday the honour to forward to your Lordship an account of the expulsion of the Jesuits from Genoa; to-day I have to inform you that in the course of last night, all the pupils at the Jesuits' college in this capital were sent home to their relations, and the brethren of the order immediately abandoned all the various establishments which they possessed in this town.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 121.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received March 10.)

(Extract.)

Turin, March 5, 1848.

I HAVE the honour to transmit herewith to your Lordship a printed copy of the Sardinian Constitution as it has this moment appeared in the "*Gazzetta Piemontese*" of this day.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(*Inclosure.*)—*Sardinian Constitution.*

[See Vol. XXXVI. Page 888.]

No. 122.—*Count Dietrichstein to Viscount Palmerston.*

Chandos House, le 10 Mars, 1848.

LE Comte Dietrichstein présente ses compliments à son Excellence Monsieur le Vicomte Palmerston, et s'empresse de lui transmettre ci-joint les copies des 2 dépêches dont il a eu l'honneur de lui donner lecture aujourd'hui.

(*Inclosure 1.*)—*Prince Metternich to Count Dietrichstein.*

M. LE COMTE,

Vienne, le 27 Février, 1848.

J'AI répondu par ma dépêche du 23 Février à celle que Lord Palmerston a adressée à Lord Ponsonby le 11 de ce mois. Nous avons regardé comme établi et comme épuisé, par ma dépêche du 2 Août de l'année dernière, ce qui concerne la marche politique et l'attitude de notre Cour à l'égard des Etats Italiens. Cette marche ne diffère pas, ni sous le point de vue des principes, ni sous celui de leur application, de celle qui sert et qui toujours a servi de norme à la politique de la Cour Impériale dans les questions Italiennes, comme dans toutes celles qui dans notre ère si riche en événements ont eu droit à fixer son attention particulière.

La matière dans son ensemble est-elle épuisée par les manifestations politiques consignées dans mes dépêches du 2 Août, 1847, et du 23 Février dernier? Tel ne saurait point être le cas. La situation

dans laquelle se trouve aujourd'hui placée la Péninsule Italienne, y compris le Royaume Lombard-Vénitien, cette importante partie de notre empire, fait un appel à des réflexions qui dépassent l'intérêt qu'offrent les seules circonscriptions territoriales et les seules considérations politiques.

Les prévisions que dans mon expédition du 2 Août, 1847, j'ai regardé comme un devoir d'énoncer envers les Cours de France, de Grande Bretagne, de Prusse et de Russie, se sont bien vite réalisées. Les Etats Italiens ont parcouru en moins de 6 mois l'espace qui s'est trouvé placé entre les institutions et l'ordre gouvernemental qui les avait régi, et des institutions nouvelles. La disparition aussi subite de tout un ordre de choses légalement existant et l'établissement d'un ordre de choses nouveau, a un nom, et ce nom est celui de " Révolution." Que le revirement soit amené par l'autorité suprême elle-même, ou qu'il lui ait été imposé, le mode ne change rien à la valeur de la chose, et il en est également ainsi de la vérité, que toutes les institutions nouvelles ont, pour se consolider, besoin du concours et de l'épreuve du temps. L'espace qui sépare la chute d'un ordre de choses ancien de la consolidation de celui qui le remplace, est forcément livré au mouvement. Mettre en doute ces vérités, ce serait nier celle de l'histoire, et nous ne savons point nous rendre coupables d'une faute pareille.

C'est en face de ce mouvement que se trouve placé aujourd'hui le Royaume Lombard-Vénitien. Toute révolution agit dans les directions intérieures et politiques. La première de ces directions tombe à la charge de l'Etat, dans lequel un changement complet de l'ordre des choses ci-devant existant a eu lieu; l'autre échappe à l'action et à la raison gouvernementale; elle est soumise à des influences étrangères, et c'est à l'égard de celles-ci, que dans le cas présent nous nous sentons le besoin de nous expliquer sans réserve envers le Cabinet Britannique.

Ce que veut l'Empereur notre auguste maître, et ce qu'il ne veut pas et ne peut pas vouloir, n'est un secret pour personne. L'Empereur entend conserver l'intégrité de son empire, et gouverner ses peuples dans les limites de son droit et de ses devoirs. Plus il se reconnaît celui de veiller à la paix politique générale, moins il entend se mêler des affaires intérieures d'autres Etats Souverains et indépendans, et moins il pourrait reconnaître à ces Etats le droit de se mêler des affaires intérieures de son empire. L'Empereur comprend la guerre politique ouverte; il ne comprend pas celle sourde; il comprend l'influence naturelle que la situation dans laquelle se trouvent placés les Etats Italiens doit inévitablement exercer sur ses propres domaines; ce qu'il n'entend point admettre c'est de la propagande gouvernementale, de quelque côté qu'elle puisse venir.

De toutes les Puissances, l'Angleterre devrait connaître le mieux

l'essence de la politique Autrichienne. Cette tradition y semble cependant perdue. Dans quelle circonstance, dans le cours des dernières années, l'Autriche a-t-elle, en effet, trouvé placée la puissance Anglaise sur une ligne, je ne dis pas conservatrice pour notre puissance, mais simplement favorable à la cause de la paix intérieure de notre empire?

Par la circulaire du 2 Août, 1847, notre Cour a manifesté son attitude politique en face des graves événements qui à cette époque déjà s'étaient fait jour dans quelques Etats de la Péninsule Italienne. Le Gouvernement Britannique ne nous a pas moins adressé des appels et des demandes répétées sur la fixité de notre attitude déjà clairement établie. Ces interpellations, sur quel point de départ ont-elles put être fondées? Il n'y a de possible que celui du doute; mais dans quelle direction s'est trouvé placé ce sentiment? Nous nous plaisons à récuser jusqu'à l'idée blessante d'un manque de confiance dans les intentions de Sa Majesté Impériale exprimées dans notre circulaire susmentionnée; nous ne regardons dès-lors comme admissible que le manque de confiance dans nos facultés de soutenir la situation. Mais comment, dès-lors, pourrions-nous nous expliquer, Monsieur l'Ambassadeur, des encouragements donnés à la méfiance des Gouvernements Italiens par des organes officiels du Gouvernement Britannique? Comment nous expliquer, en particulier, la récente réunion d'une escadre dans l'Adriatique, et le manque de toute explication de la part du Gouvernement Britannique, propre à démentir l'opinion généralement répandue, que l'objet de l'apparition de l'escadre susmentionnée serait celui de surveiller les mouvements de l'Autriche?

Régler la position de notre puissance dans la situation actuelle de l'Italie, est une fort sérieuse tâche. Ce n'est pas de la part d'une Puissance amie qu'elle devrait être aggravée.

Veillez, &c.

M. le Comte Dietrichstein.

METTERNICH.

(Inclosure 2.)—Prince Metternich to Count Dietrichstein.

M. LE COMTE.

Vienne, le 4 Mars, 1848.

CE n'est pas à vous que je pourrais éprouver le besoin de faire sentir la gravité de la situation du moment, ou de vous apprendre l'impression sous laquelle le Cabinet Impérial se trouve placé à l'égard de cette situation. Vous n'avez pour vous assurer de nos sentiments à ce sujet qu'à vous placer en face des faits et des pensées d'ordre, de repos public et de paix politique, sur lesquelles repose notre marche morale et matérielle.

Lord Ponsonby est venu me trouver à la suite des faits monstrueux qui viennent de compléter les 3 journées de Février, pour me demander compte de ma manière de voir sur l'événement. Voici, en peu de mots, la substance de ma réponse à Monsieur l'Ambassadeur :

“ Le Cabinet que je représente a l'intime conviction que les événements qui viennent de se faire jour en Février devront produire sur le Gouvernement Britannique le même effet qu'ils ont produit sur notre Cabinet. Ils ont la valeur d'une révolution complète, et les révolutions ne peuvent que faire sur tout Gouvernement, qu'elle que soit sa constitution politique, une même impression.

“ La position dans laquelle se trouve placée la Péninsule Italienne, augmente pour notre Cour la gravité de la situation. Le jugement que de primeabord nous avons porté sur les positions Italiennes, se trouve consigné dans ma dépêche circulaire aux principales Cours du 2 Août, 1847. Si l'impression que les entreprises de quelques Gouvernements de la Péninsule ont produite dans d'autres Cours a différé de la nôtre, la cause en est, que nous avons mieux connu qu'elles la position exacte dans laquelle se sont trouvées ces contrées, et les dangers qui y couvaient sous les cendres. Si dans nos explications envers les mêmes Cours, nous avons eu soin de leur indiquer la ligne de conduite que l'Empereur notre auguste maître entendait tenir envers les Etats Italiens, les faits doivent avoir prouvé à ces Cours que Sa Majesté Impériale n'a point dévié de la marche qu'elle avait énoncée; et ce n'est assurément pas au milieu des dangers d'une situation si lourdement aggravée par les récents événements en France, que nous pourrions vouloir y apporter un changement.

“ Ce qui compose la situation du jour ne saurait être regardé comme une question tombant à la charge de notre seule puissance, aussi attendons-nous avec confiance d'apprendre à connaître l'impression que les événements les plus récents ont produite sur nos alliés.

“ Ce n'est, en effet, pas la seule Autriche, mais l'Europe, qui se trouve reculée de plus d'un demi siècle et placée en face des années les plus désastreuses de la première révolution Française. Quelles seront les conséquences du retour aux années les plus mauvaises de cette révolution? C'est au prochain avenir qu'il appartiendra de nous l'apprendre.

“ Abstraction faite de la situation générale, il est de mon devoir d'en toucher un côté, qui tout en reposant sur une base plus étendue, regarde cependant directement l'Autriche.

“ Au mois de Septembre dernier, Lord Palmerston nous a adressé une interpellation à l'égard des vues hostiles que nous prêtait alors contre elle la Cour de Sardaigne. Je vous ai adressé le 23 Septembre la seule réponse qu'il m'a été possible de faire à cette interpellation. Aujourd'hui, Monsieur l'Ambassadeur, la situation a évidemment changé, et ce qui, au mois de Septembre, a pu tirer son origine de la position embarrassée dans laquelle était déjà trouvé placée le Gouvernement Sarde, et ce qui a été à notre égard que du jeu, peut, par suite de l'incommensurable augmentation d'embarras dans laquelle la recru-

descence de la révolution en France place dans ce moment le Roi Charles Albert, tourner aujourd'hui en une action de sa part.

“ Nous savons de science certaine que les conducteurs de la faction entre les mains desquels se concentre ce qui dans les divers Etats de la Péninsule Italienne a la valeur du pouvoir, que les mêmes hommes qui ont remporté la victoire en Suisse, qui viennent de renverser le trône de 1830 en France, et qui entendent bouleverser l'Europe tout entière, veulent, sous la promesse de placer toute la partie supérieure de la Péninsule Italienne sous la domination du Roi Charles-Albert, engager ce Prince à refouler l'Autriche de ses possessions au-delà des Alpes.

“ En avançant ce fait avec une entière certitude, nous n'entendons pas porter contre Sa Majesté Sarde rien de ce qui ressemblerait à une accusation de complicité avec les auteurs et les fauteurs d'un plan pareil; mais ce à quoi nous ne saurions nous prêter, c'est d'admettre la certitude que son Gouvernement ait la force nécessaire pour résister au flot qui l'entraîne. Aussi n'est-ce pas au Gouvernement Sarde que nous nous adressons, mais à la Cour à laquelle ce même Gouvernement s'est dans le tems ouvert sur une crainte chimérique, et laquelle lui a prêté son appui auprès de nous. Vous êtes en conséquence chargé, Monsieur l'Ambassadeur, de demander au Principal Secrétaire d'Etat, si le Gouvernement Britannique regarderait une attaque de la Sardaigne contre le Royaume Lombard-Vénitien comme un événement auquel il entendrait demeurer étranger, et quelle serait, dans le cas contraire, la manifestation qu'il serait décidé à faire dès à-présent envers la Cour de Sardaigne pour empêcher que dans une situation sociale et politique déjà généralement si difficile, une aggravation pareille du mal n'ait lieu.”

Veillez porter à la connaissance de Lord Palmerston la présente dépêche, et lui en remettre une copie. Recevez, &c.

M. le Comte Dietrichstein.

METTERNICH.

No. 123.—Lord Bloomfield to Viscount Palmerston.—(Rec. March 10.) (Extract.)

St. Petersburg, February 25, 1848.

I INQUIRED of Count Nesselrode if it was true that the representatives of Russia, Austria, and Prussia, at Naples, had presented a memorandum to the King, calling upon His Sicilian Majesty to resist the concession of liberal institutions. His Excellency acknowledged that they had done so.

Viscount Palmerston, G.C.B.

BLOOMFIELD.

No. 124.—Count St. Marsan to Count Revel.—Communicated to Viscount Palmerston by Count Revel, March 11.)

M. LE COMTE,

Turin, le 2 Mars, 1848.

Je crois à propos de vous expédier un courrier de Cabinet, afin de vous fournir ainsi le moyen de m'informer immédiatement des

communications qui pourront vous être faites par le Cabinet Britannique en présence des graves conjonctures qu'a fait naître la nouvelle révolution qui vient d'éclater à Paris, et en face des événements politiques qui en seront l'inévitable conséquence.

Je vous invite, M. le Comte, à vouloir bien, aussitôt que vous aurez reçu cette dépêche, vous rendre auprès de Lord Palmerston, afin de l'entretenir de la gravité de notre situation actuelle.

Ce Ministre a trop de pénétration et une connaissance trop juste de la situation générale actuelle, pour que vous ayez besoin d'entrer dans beaucoup de développement afin de lui présenter la nôtre sous le véritable aspect que va lui donner la complication qui vient de surgir. Mais en réclamant l'intérêt et les conseils du Gouvernement Britannique dans cette circonstance, vous voudrez bien exprimer dans les termes les mieux sentis et les plus sincères, l'entière confiance que le Roi notre Souverain continue à placer dans le soutien et l'appui qu'il a constamment trouvés auprès de l'Angleterre.

La nouvelle de la Révolution Parisienne est arrivée ici le jour même de la grande fête nationale offerte au Roi pour lui témoigner la vive gratitude qu'ont excitée les bienfaits dont il a comblé le pays. Les démonstrations de profonde reconnaissance et de respectueuse affection dont Sa Majesté a été l'objet, nous font espérer que nous pourrions traverser heureusement les événements que prépare la complication actuelle ; toutefois l'orage gronde trop près de nous pour que nous n'ayons pas le devoir d'aviser à des éventualités dont il n'est pas donné à l'homme de prévoir toute l'étendue. Le Roi a en conséquence résolu de compléter ses armements, et il vient de donner dans ce but des dispositions qui seront exécutées immédiatement.

Au moyen de ces mesures, et fort de l'affection et du dévouement de ses peuples, le Roi, je le répète, a la confiance que notre pays sera préservé de fâcheux événements ; mais cette confiance, Sa Majesté la fonde surtout, et je vous charge expressément de la déclarer à Lord Palmerston, sur la vieille et sincère amitié de l'Angleterre, qui ne lui a jamais fait défaut, et sur laquelle le passé est pour elle un gage certain qu'elle peut compter dans les conjonctures actuelles.

Veuillez, &c.

M. le Comte Revel.

H. DE SAINT MARSAN.

No. 129.—Viscount Palmerston to the Hon. R. Abercromby.
(Extract.) *Foreign Office, March 13, 1848.*

THE great object of Her Majesty's Government is the maintenance of peace in Europe, and they are deeply sensible of the dangers with which that peace is threatened in many different ways, by the possible consequences of recent events in France.

Her Majesty's Government have felt great pleasure in learning that the Sardinian Government have determined to pursue that which

is the best and wisest course in the present state of things; that they have resolved to give no cause of offence either to France or to Austria; to abstain from any interference in the internal affairs of either, and to maintain a strict and rigid neutrality.

Her Majesty's Government have full confidence in the present pacific intentions of the Provisional Government of France, and are convinced that it is the sincere desire of that Government to abstain from any invasion of neighbouring States.

The Hon. R. Abercromby.

PALMERSTON.

No. 130.—Viscount Palmerston to Viscount Ponsonby.

MY LORD,

Foreign Office, March 13, 1848.

I HEREWITH transmit to your Excellency, for your information, copies of despatches from Her Majesty's Minister at Turin, and from Her Majesty's Consul-General at Milan, on the affairs of North Italy. I likewise transmit to your Excellency the copy of an instruction which I have addressed to Mr. Abercromby on the same subject.

I have to instruct your Excellency urgently and earnestly to entreat Prince Metternich to relax the severity of the system now established in Austrian Italy, and to make to the people such organic concessions as may rally round the Government the good will and support of all reasonable men, and of all the owners of property and lovers of order, so as to place in a small minority those men whose views may point to revolution and disorder. I am, &c.

Viscount Ponsonby.

PALMERSTON.

No. 132.—Lord Napier to Viscount Palmerston.—(Rec. March 14.)

MY LORD,

Naples, February 24, 1848.

His Majesty the King took his oath this morning to observe the Constitution.

The solemnity was performed in the church of San Francesco di Paola, in front of the Palace, which is peculiarly adapted by its position and imposing size for such high ceremonies and public acts.

After mass had been said, the oath was administered to His Sicilian Majesty, who pronounced it in a voice audible to the vast assemblage which filled the sacred building.

It was then successively sworn by His Royal Highness the Count of Aquila, in the name of the Royal Family; by the President of the Council, on the part of the Ministers of State; by Prince Bisiquano, for the officers of the Court; and by the generals of the army and navy.

His Majesty the King afterwards passed the troops in review in the great square, and delivered the oath to the colonels of the respective regiments, who repeated it to the ranks, by whom it was responded to aloud.

A colonel administered the constitutional oath to the Swiss, before the residence of Her Majesty's Legation. He made a long speech on horseback to his countrymen, explanatory of their new functions and delicate position, as stipendiaries of the Neapolitan people.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 139.—Sir G. Hamilton to Viscount Palmerston.—(Rec. March 18.)
(Extract.) *Florence, March 10, 1848.*

I HAVE the honour to transmit herewith the accompanying despatch from Mr. Petre, at Rome, regarding an address of the Senate and Council to the Pope, urging him to grant a Constitution in harmony with the exigencies of the age, to which address the Sovereign of the Roman State has returned a favourable reply.

Since then intelligence has reached Florence of the appointment of Ministers entirely secular.

The names mentioned in a Roman paper, the "*Italico*," are Signori Recchi, Aldobrandini, Pasolini, Minghetti, Simonetti. Count Mamiani and Pietro Ferretti are to be named Presidents, it is said, of the 2 provinces where they are now Legates.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Mr. Petre to Sir George Hamilton.*

SIR,

Rome, March 7, 1848.

ROME is quiet. The reports and confirmation of the reports of the events so rapidly succeeding each other in Paris, naturally produced considerable agitation at Rome. On Sunday, the 5th, various processions with tricoloured flags were formed, and paraded the streets in celebration of the events, but they passed off orderly and in good humour. The great majority of the population is well-disposed; but the agitators, few indeed in number, are unceasing in their efforts to excite disorder.

The Senate and Council of the city of Rome yesterday presented an address to His Holiness, drawn up in the most respectful and legal terms, praying His Holiness to complete those reforms of which he first gave the example to the Princes of Italy, and that his Government be henceforth established on a Representative system suitable to the wants and civilization of the present time, and declaring that this their wish is not contrary to the obedience which they have sworn to the Apostolic faith, which they maintain and love; that through him they look to the formation of an Italian League to preserve and defend internal security and the national dignity.

His Holiness replied that all knew that he was indefatigably employed in preparing that form of Government which they asked for and which the people required, but that every one must know the

difficulty to be encountered by him who united in his own person two exalted dignities; that what in a secular Government could be effected in one night, could not, in the Papal Government, be effected without mature consideration, difficult as it was to trace out the line which must distinguish the one power from the other; nevertheless he hoped to be able in a few days to announce the new form of Government, which would give general content, but more especially to the Senate, who better understood the circumstances and position of the country.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 140.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. March 21.)
MY LORD, *Florence, March 13, 1848.*

I HAVE the honour to transmit to your Lordship the accompanying "Florence Gazette," of the 11th instant, containing a motuproprio issued by the Tuscan Government, by which it is intended to refer all the police regulations of the Grand Duchy to the jurisdiction of the Minister of the Interior, as well as to divide Tuscany into 7 departments, to be presided over by as many prefects.

These departments are again to be subdivided into districts ("circondarij"), over which will be established sub-prefects.

In every department there is to be a council to provide for the interests of the department, and in most of the districts there will be a Court or Tribunal of First Instance.

A Court of Appeal in Florence will have under its jurisdiction the Departments of Florence, Siena, Arezzo, Pistoja, and Grosseto, and a similar Court of Appeal in Lucca will embrace the Departments of Lucca, Pisa, and the Governments of Leghorn and Portoferraio.

Delegates, with a police authority, will reside in these different towns, and another territorial division, composed of parishes ("comunità"), will be presided over by pretors.

Each "comunità" is to retain as before its Gonfaloniere, and the city of Leghorn with its "comunità," as well as the Island or Elba, will continue to form a separate civil and military Government.

These new dispositions are to take effect on the 20th of the present month.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure.)—*Royal Decree of the Grand Duke of Tuscany.*

(Translation.)

WE, LEOPOLD THE SECOND, &c.

Florence, March 9, 1848.

BEING desirous, in accordance with the disposition contained in Article LXXIX of the fundamental Statute, to provide in the most convenient manner for the division of the Grand Duchy into distinct

provinces, and forthwith to proceed to the organization of the governments and departmental administrations, after having heard our Council of State, have determined to promulgate the following law :

TITLE I.—*General Dispositions.*

ART. I. The general direction of police at Florence and at Lucca shall be suppressed, and the important duties of administrative police shall be concentrated in the Minister of the Interior, who shall exercise them through a special section of his department.

II. The governments, except so far as shall be stated hereafter, the offices of the royal commissaries, vicars, and bailiffs, the civil judicatories, the commissaries of police, the judgeships of the former Duchy of Lucca which were retained to form part of the Grand Duchy, shall be equally suppressed.

III. And lastly, the General Board of Superintendence for the Communes, the Chambers of Superintendence, and the Chanceries of the Communes, shall also be suppressed.

IV. The territory of the Grand Duchy shall be divided into 7 departments, viz. : Florence, Lucca, Pisa, Siena, Arezzo, Pistoja, and Grosseto.

V. The city of Leghorn, with its commune only, shall continue to form a civil and military Government.

VI. The island of Elba, also, with its communes, shall form a civil and military Government.

VII. At Florence the General Board of Registry shall alone be retained.

VIII. The departments shall be divided, for governing and judicial purposes, into circles and pretorships, and for administrative and electoral purposes, into districts and communes.

IX. The departments of Florence, Pisa, and Siena, shall be divided into several circles, but those of Lucca and of Arezzo, Pistoja, and Grosseto, shall form but one circle.

X. The circles forming the department of Florence shall be those of Florence, San Miniato, and Rocca San Casciano ; those forming the department of Pisa shall be Pisa and Volterra ; and those forming the department of Siena shall be Siena and Montepulciano.

XI. The circles shall be a combination of several pretorships ; and the districts shall be composed of one or more communes.

XII. In every department there shall be a council to watch over the interests of the whole of the department with reference to the roads, the institutions of beneficence, and the public health.

XIII. The territories to be assigned to each department, for administrative purposes, shall be divided into districts and communes in the manner determined in the Electoral Law, but for governing

and judicial purposes, they shall be divided into circles and pretorships in the manner determined in the following table :

[Here follows a list of electoral districts.]

XIV. In every department there shall reside a prefect. In every circle which is not the residence of a Prefecture, there shall be a sub-prefect.

XV. Every circle shall form the jurisdiction of a collegial tribunal of first instance, except the circle of Pistoja, which shall have 2 collegial tribunals of first instance, one situate at Pistoja, and the other, which shall be established under the proclamation of this day's date, situate at Pescia. A collegial tribunal of the first instance shall be situate also in the 2 Governments of Leghorn and Portoferraio. In every pretorship there shall be a pretor, and in every district a minister of the census. Every commune shall have its magistrato (gonfaloniere.)

XVI. The whole of the territory forming the departments of Florence, Siena, Arezzo, Pistoja, and Grosseto, shall continue to be subject to the jurisdiction, in cases of appeal, to the Royal Court of Florence ; and the whole of the territory forming the departments of Lucca and of Pisa, and the 2 Governments of Leghorn and Portoferraio, shall continue to be subject to the jurisdiction, in cases of appeal, to the Royal Court of Lucca.

XVII. There shall be established in the cities of Florence, Leghorn, Lucca, Pisa, Siena, Arezzo, Pistoja, Prato, Cortona, and Pescia, delegates of Government, with the duties of police ;—4 in the first of the above-mentioned cities, 3 in the second, and 1 in each of the others.

XVIII. The territory of every pretorship shall continue settled in that of a commune, or several communes, as results from Article XIII, and from the table thereto annexed.

XIX. The delegates of Government of Lucca, of Arezzo, and of Pistoja, shall exercise their functions in the 2 pretorships established in those cities. All the other delegates of Government shall exercise their functions within the limits of the pretorship in which they reside.

XX. The prefectures shall be divided into 2 classes, the delegations of Government into 3 classes, the pretorships into 5 classes, and the offices of the census into 3 classes.

XXI. The prefectures of Florence, Lucca, Pisa, and Siena, shall belong to the 1st class of prefectures ; and those of Arezzo, Pistoja, and Grosseto, shall belong to the 2nd class of prefectures.

XXII. The 1st class of the delegations of Government shall be formed by the 4 established at Florence, and by the 3 established at

Leghorn; the 2nd class by those of Lucca, Pisa, Siena, Arezzo, and Pistoja; and the 3rd class by those of Cortona, Prato, and Pescia.

XXIII. The offices of the census of the 1st class shall be those of Florence, Leghorn, Lucca, Pisa, Siena, Arezzo, Cortona, Pistoja, and Prato. Those of the 2nd class shall be Fiesole, Campi, Borgo San Lorenzo, San Casciano, Montepulciano, San Giovanni, Pietrasanta, Pescia, Empoli, San Miniato, Figline, Pontedera, Borgo, Lari, and Grosseto; and those of the 3rd class shall be Rocca San Casciano, Portoferraio, Volterra, Rosignano, Colle, Montalcino, Radicondoli, Poppi, Arcidosso, Orbetello, San Marcello, and San Sepolero.

XXIV. The classification of the pretorships shall be the same as that contained in the table annexed to Article XIII.

XXV. The prefect, the sub-prefect, the pretor, the delegate of Government, and the minister of the census, shall be nominated by the Grand Duke; the magistrate (*gonfaloniere*) shall also be nominated by him, but in the manner which will be established by the new Municipal Law.

XXVI. In every prefecture there shall be a council composed of various members freely nominated by the Grand Duke.

XXVII. The prefect shall exercise, in union with his councillors, a portion of the duties of the prefecture in the manner which will be determined in the laws about to be published on the police and on the municipalities.

TITLE II.—*The Powers and Duties of the Prefects.*

XXVIII. The prefect shall be the chief of the government and of the administration of his department.

XXIX. In the exercise of his functions the prefect shall be immediately dependent upon the Minister of the Interior, but shall correspond with all the other Ministers, according to their respective competence.

XXX. The prefect, as the political chief, shall dispose of the civic guard, of the police force, and of the royal troops of the line. He shall notify the laws, overlook the public officers of the department, watch over public tranquillity and good order, and promote near the Supreme Government all the measures which he may deem necessary for the benefit of his department.

XXXI. The prefect, as the administrative chief, shall assist at the council of the department, and shall execute its resolutions; shall watch over the economical progress of the community; shall correspond with the magistrates (*gonfalonieri*); shall sanction those magisterial decisions which are within his own competence or within that assigned by the Municipal Laws to the council of the prefecture; and shall report to the Minister all those magisterial decisions which are beyond them.

XXXII. The prefect shall, in dependence on the competent department, exercise surveillance over ecclesiastical patrimonies, convents, monasteries, conservatories, and pious foundations, and over the administration of vacant benefices.

XXXIII. It shall be the province of the prefect to transmit to the competent authorities all the demands of the applicants for benefices, and also to notify to such applicants the decisions which they have obtained.

XXXIV. The resolutions of the Council of Prefecture, under the presidency of the prefect, shall be taken according to the plurality of votes, and, in case of equality, the prefect shall have the casting vote.

XXXV. In those affairs, also, which may be decided upon by him without the participation of the Council of the Prefecture, the prefect shall have the right to demand the opinion verbally or in writing, as well of the council itself collectively, as of one or more of the members composing it individually.

XXXVI. In the case of those affairs which may not be decided upon without the consent of the Council of the Prefecture, the meetings held for discussing them, shall not be legal unless two councillors, at the least, assist at them.

TITLE III.—*The Powers and Duties of the Sub-Prefects.*

XXXVII. The sub-prefect shall exercise in his respective circle and under the immediate authority of the prefect, to whom he is subordinate, all the governing functions assigned to the prefects themselves, and shall execute all the commissions which may be entrusted to him by the prefects bearing on the administrative.

XXXVIII. The sub-prefect shall, in case of doubt, consult the prefect, shall defer to his instructions, shall execute all the directions which may be given to him by the prefect himself, and shall transmit to him every week at the least the report of the circle.

TITLE IV.—*The Powers and Duties of the Governors of Leghorn and of the Island of Elba.*

XXXIX. The Governor of Leghorn shall exercise the governing and administrative functions of the prefect, with restriction to the city itself and to the territory of its commune, retaining the other functions hitherto belonging to the office of Military Governor, of supreme Commandant of the Coast, and of Superintendent of the Department of Health.

XL. The Governor of the Island of Elba shall exercise, in the territory of the island and in the four communes comprised in it, the

governing and administrative functions of the prefect, and shall retain in addition thereto, the other functions belonging to him in his quality of Military Governor and President of the local Council of Health.

XLI. There shall be attached, as well to the Governor of Leghorn, as to the Governor of the Island of Elba, Councillors of Government, who shall take with them the places of Councillors of the Prefecture.

TITLE V.—*The Powers and Duties of the Pretors.*

XLII. Every pretor, in the territory of his pretorship, shall be:

1. An ordinary puisne judge, civil and criminal;
2. An officer of judicial police; and
3. An officer of administrative police, wherever there is not resident a delegate of Government.

XLIII. As a civil and criminal judge, and as an officer of judicial police, the pretor shall depend upon the superior authority of the judicial order; and as an officer of administrative police, he shall be immediately dependent upon the chief of the government of the circle, shall correspond with him, and shall transmit to him his report every week at the least.

XLIV. The jurisdiction of the pretor in civil causes and matters shall be the same as that conferred on the ancient vicars, civil judges, and magistrates, by the proclamation of the 2nd August, 1838.

XLV. The duty of the pretor as a criminal judge and an officer of judicial police, shall be determined by the Law of Criminal Procedure to be presented to the Assemblies, and to decide the manner in which the office of the public ministry is to be supplied by the pretorships. Where a delegate of Government is not resident as an officer of administrative police, the pretor shall act for the maintenance of public and private tranquillity and safety, exercising the most scrupulous vigilance over suspected persons and places.

TITLE VI.—*The Powers and Duties of the Delegates of Government.*

XLVI. Every delegate of Government shall be—

1. An officer of judicial police;
2. A public minister in criminal causes of which it is the province of the pretor to take cognizance; and
3. An officer of administrative police.

XLVII. The delegate of Government, in so far as he is an officer of judicial police and exercises the functions of a public minister, shall be dependent upon the superior authority of the judicial order; and in so far as he is an officer of administrative police, he shall be dependent upon the chief of the government in the circle.

TITLE VII.—*The Powers and Duties of the Ministers of the Census.*

XLVIII. Every minister of the census shall be the guardian and keeper of all the books and documents of the censorship in the communes comprised in the territory of his district.

XLIX. He shall execute all the operations relating to the transmission of properties in the forms and manner actually prevailing.

L. He shall satisfy all demands in the forms and manner actually prescribed.

LI. He shall have the custody of, and be responsible for, the archives which are confided to him by the communes comprised in his district, in the manner to be determined by the Municipal Law.

LII. He shall compile the lists of the royal and communal taxes imposed on the possession of fixed property in all the communes comprised in his district.

LIII. He shall compile and transmit to the respective magistrate (gonfaloniere) the lists of those proprietors who are entitled to form a part of the electoral college.

LIV. He shall assist at the meetings held for the elections, except in the cases contemplated by the Electoral Law, and shall prepare the minutes of the same.

LV. He shall perform all the duties which belonged to the communal chancellors with reference to the benefices in the gift of the Crown and in that of the people; he shall draw up and have the custody of the lists of the benefices which are not subject to private collation; and shall execute all the acts relating to their preservation, in the forms and manner prescribed by the prevailing dispositions.

LVI. As specially charged by His Imperial and Royal Highness, and as successor to the communal chancellors, he shall assist the pretor in visiting the confines of his jurisdiction bordering on Foreign States; shall make with him an inspection of all the boundaries of the same confines, and shall draw up a minute thereof.

LVII. In addition to the duty of remitting to the general registry office, accompanied by his report, the instrument ordered by the circular of 29th December, 1592, it shall also be his duty, as the communal chancery has been abolished, to keep the same office acquainted, without delay, with any alteration or variation which he shall be able to verify in the situation of the boundaries or confines, and even of any sudden occurrence which on any account and at any period may arise among the inhabitants on the confines in consequence of an interruption to any presumed jurisdiction, or any change in the confines, rendered important for any other reason whatever, made by that State in which those confines were recognized at the last visit.

LVIII. Lastly, he shall be responsible for the exact performance of whatever was entrusted to the communal chanceries on this matter,

and shall conform to the circular of the 13th September, 1679, to the instructions of the 16th of November, 1779, and to all the special orders existing in the chanceries nearest to the confines bordering on Foreign States, and to any other law or disposition which may be actually in force.

TITLE VIII.—*The Powers and Duties of the Magistrates (Gonfalonieri).*

LIX. The magistrate (gonfaloniere), as the chief of his administration, shall watch over the order, the tranquillity, and the economical progress of the commune.

LX. He shall correspond with the prefect upon all affairs relating to municipal and electoral interests,—with the department which is charged with the conscription, on all that relates to it,—and lastly, with the officer of the census, on all that relates to the register or the state of the census.

LXI. He shall have the disposition of the water-guards (pompieri), of the municipal guards, and, in the manner prescribed by the regulation of the 4th October, 1847, of the civic guard.

LXII. He shall denounce to the pretor every infraction of the regulations of municipal police.

TITLE IX.—*Of the Subaltern Officers of the Prefects, Sub-Prefects, Pretors, and Delegates of Government.*

LXIII. The prefect and sub-prefect shall have a staff of secretaries, consisting of such a number of officers as may be required, according to the extent of the respective service.

LXIV. The secretary of the Prefecture, in addition to his other duties, shall have the charge of assisting at the meetings of the Council of the Prefecture, and of compiling and keeping the custody of the minutes of the same.

LXV. To every Prefecture there shall be attached a chancellor; to every delegation there shall be attached a coadjutor; and to every minister of the census there shall be attached an assistant.

TITLE X.—*The Forces to be placed at the disposition of the Prefects, Sub-Prefects, Pretors, and Delegates of Government.*

LXVI. The forces to be placed at the disposition of the prefect, sub-prefects, pretors, and delegates of Government, each within his respective limits, shall be,

1. The civic guard, in conformity to the 1st Article of its organic regulation;
2. The corps of royal carabinieri;

3. The corps of royal chasseurs volunteers for service on the coast and frontiers; and

4. As subsidiary forces, the infantry companies of the cavalry of the line, and the royal guards of Finance.

TITLE XI.—*Of the Substitutes.*

LXVII. In cases of impediment or absence for the space of 8 days uninterruptedly, the persons to be charged to supply the places of the prefects, sub-prefects, and pretors, shall be,

1. In that of the prefect, the chief of the councillors of the Prefecture;

2. In that of the sub-prefect, the pretor of the principal place of the circle; and

3. In that of the pretor, his chancellor.

LXVIII. If the impediment or the absence of the prefect or of the sub-prefect should be protracted for a longer period, the Minister of the Interior shall provide for the service in the manner which he may deem most suitable.

LXIX. If the impediment or absence occurs in the case of the pretor, and in case of the absence for any period of the chancellor of the pretor, the Minister of Justice and Grace shall provide for the exigencies of the service.

LXX. The place of the delegate of the Government shall, in any case of absence, be supplied by his coadjutor, that of the minister of the census, by his assistant, and that of the magistrate (*gonfaloniere*) by the chief magisterial officer of the commune.

TITLE XII.—*Provisional Dispositions.*

LXXI. Until the special laws are brought into active operation, the prefect shall exercise provisionally the duties and powers of the actual Provincial Governments, saving the modifications which will be made (with instructions appended thereto) founded upon the basis fixed by the fundamental Statute.

LXXII. In like manner, until the new Municipal Law is promulgated and brought into active operation, he shall exercise all the duties and powers which have hitherto been within the competence of the purveyors of the Royal Chambers of Communal Superintendence; and in union with the Council of the Prefecture, he shall be invested with all those duties and powers which were within the competence of the Superintendent-General of the Commune—an office which is now suppressed.

LXXIII. Until the completion of the register of the late Duchy of Lucca, the officer of the census actually existing in that city shall be maintained.

LXXIV. The officers of the Chambers of Communal Superintendence, under the direction of the prefect, shall continue until the 31st of December, 1848, to be dependent upon the Minister of Finance in all those affairs relating to the royal finances and their internal administration. In everything, however, which has reference to the communal administrations, the prefect shall correspond with the Minister of the Interior from the time, when the present law comes into active operation.

LXXV. The Direction of Waters and Roads shall correspond with the respective prefects in every case in which it previously corresponded with the Board of General Superintendence of the Communes.

LXXVI. The vicars, the civil judges, the bailiffs, and the justices of the late Duchy of Lucca, shall continue, until the installation of the new pretors, to execute provisionally their ancient duties, saving those modifications which will be made by means either of provisional instructions or of special laws.

LXXVII. The actual jurisdictions of the collegial tribunals of First Instance shall continue up to the 10th of November now next ensuing.

LXXVIII. At the above period the jurisdiction of each shall be restricted to or be extended to the whole of its circle, and the new pretors and the delegates of Government shall be installed throughout the whole of the Grand Duchy in the manner appointed by the present law.

LXXIX. Provision shall be made for the performance of the functions of the vicars, in those places in which such functions have been exercised by the Royal Commissaries, through the medium of Ministers of the Interior, until the respective pretors are nominated.

LXXX. The communal chancellors shall continue in their actual occupations and duties until the new Municipal law is promulgated and carried into active operation.

LXXXI. Meanwhile, as Ministers of the census, they shall assist throughout all the communes which are administered by their respective chancery, in the compilation of the electoral lists, as well of the proprietors as of those subject to the family tax (*tassa di famiglia*) who shall be entitled according to the terms of the law to be inscribed therein.

LXXXII. The electoral assemblies shall, until the installation of the ministers of the census, be assisted by that chancellor who administers the commune, the principal place in which is destined for the convocation of the electoral colleges.

LXXXIII. And until the above period every chancellor shall continue to perform the duties which are entrusted by the present law to the ministers of the census.

LXXXIV. The present dispositions shall take effect on the 20th of the current month.

Dated the 9th March, 1848.

V. F. CEMPINI.

LEOPOLDO.

L. ALBIANI.

(*Sub-Inclosure.*)—*Motuproprio of the Grand Duke of Tuscany.*

(Translation.)

March 9, 1848.

HIS Imperial and Royal Highness taking into consideration the number and the nature of the affairs in the Val di Nievole, which belong to the jurisdiction of First Instance, orders as follows:

ART. I. A collegial tribunal of First Instance shall be established in the city of Pescia, with the civil and criminal jurisdiction of the other tribunals of First Instance in the Grand Duchy.

II. It shall be composed of a President and 2 Auditors, and there shall be 3 subsidiary Judges, and a Chancery composed of a Chancellor and a Coadjutor.

III. A royal Proctor shall perform near the same the functions of public Minister agreeably to the orders.

IV. The circle of the jurisdiction of this new tribunal shall be composed of the pretorships of Borgo a Buggianna, Montecarlo, Montsummano, and Pescia, which shall be detached from the circle of the tribunal of First Instance at Pistoja.

V. The tribunal of First Instance at Pistoja shall be reduced by 2 auditors, and its Chancery by that number of actuaries which may be acknowledged to be more than is required.

VI. The present dispositions shall take effect on the 11th November in the present year.

Dated the 9th March, 1848.

V. F. CEMPINI.

LEOPOLDO.

A. DUCHOQUE.

No. 141.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. Mar. 21.)

(Extract.)

Florence, March 13, 1848.

I HAVE the honour to transmit 2 despatches from Mr. Petre at Rome.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Mr. Petre to Sir G. Hamilton.*

SIR,

Rome, March 11, 1848.

I HAVE the honour to report to you, for the information of Viscount Palmerston, the appointment by his Holiness of a new Ministry.

Cardinal Antonelli, late President of the Consulta di Stato, and formerly Treasurer, to be Secretary of State for Foreign Affairs and

President of the Council of Ministers; Signor Rechi, Deputy of Ferrara to the Consulta di Stato, Minister of the Interior, in place of the prelate Monsignore Pentini; the Advocate Sturbinetti, Minister of Grace and Justice, in place of the prelate Monsignore Roberti; Monsignore Morichini remains Treasurer and Minister of Finances; Signor Minghetti, Deputy of Bologna, Minister of Public Works; Prince Aldobrandini, Minister of Arms; the Advocate Galletti, a native of Bologna, Minister of Police; Cardinal Mezzofanti, Minister of Public Instruction; Count Pasolini, Deputy of Ravenna, Minister of Commerce; Monsignore Bedini, to be the Substitute of the Secretary of State, replacing Monsignore Santucci.

The Constitution or new form of Government will be published, it is now confidently expected, on Tuesday next the 14th.

The calling out of the reserve of the civic guard has been officially announced. Some regiments of the line will march for the Legations.

Don Neri Corsini has arrived in Rome on an extraordinary mission from Tuscany, in order to concert an Italian League amongst the Constitutional States of Italy, and will proceed to Naples for the same purpose.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 142.—The Hon. R. Abercromby to Viscount Palmerston.

(Received March 21.)

MY LORD,

Turin, March 16, 1848.

THE Cabinet is formed: Count Cesare Balbo, President of the Council; Marquis Lorenzo Pareto, Minister of Foreign Affairs; Marquis Ricci, Minister of the Interior; Count Revel, Minister of Finance; Count Sclopis, Minister of Justice; Chevalier Des Ambrois, Minister of Public Works; General Franzini, Minister of War; Chevalier Buoncompagni, Minister of Public Instruction.

This list was submitted to His Sardinian Majesty's approval this morning at 7 o'clock by Count Balbo and the Marquis Pareto, and a few hours afterwards the King communicated his satisfaction at the manner in which those gentlemen had executed the trust confided to them.

Signor Giulio is named first officer of the Ministry of Public Works, and Colonel de la Bormida, first officer of the Ministry of War.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 143.—Lord Napier to Viscount Palmerston.—(Rec. March 24)
(Extract.)

Naples, March 9, 1848.

WITH reference to my despatch of the 6th instant, I have the honour to acquaint your Lordship that on that day the former Admi-

nistration returned to power, with the omission of the Minister of War and Marine, and the addition of 4 new Ministers, who were introduced by a division of the functions of their colleagues in the following manner :

The Portfolio of Foreign Affairs was taken from the President of the Council, and bestowed on the Prince of Cariati.

M. Carlo Poerio was appointed Minister of Public Instruction which formerly was in the Department of Agriculture and Commerce.

M. Aurelio Saliceti obtained the office of Grace and Justice divided from that of Ecclesiastical Affairs.

M. Giacomo Savarese accepted the Portfolio of Public Works, Prince Torella, the former Minister of that department receiving instead the reduced office of Agriculture and Commerce.

Colonel Vincenzo degli Uberti became Minister of War and Marine in place of General Garzia, resigned.

The new Ministers are all men of good esteem with the Liberal party.

Viscount Palmerston, G.C.B.

NAPIER.

No. 145.—Lord Napier to Viscount Palmerston.—(Rec. March 24.)

MY LORD,

Naples, March 11, 1848.

I HAVE the honour to submit to your Lordship herewith, copy and translation of the provisional electoral law issued by the Neapolitan Government, for the regulation of the approaching elections.

The basis of this law may be shortly stated as follows :

A deputy will be elected for every 40,000 souls.

The election will take place at the capital town of every district.

Should there be an excess over and above the number of 40,000, of more than 20,000, that excess shall be held sufficient to elect an additional deputy.

By the last census the gross population of the kingdom of Naples is rated at 6,517,628.

There will be 164 deputies.

The right of voting is conceded.

To those who possess a clear income rated to the land-tax of 24 ducats per annum (4*l.*), derived from freehold property, or land held under perpetual or ordinary lease.

To those deriving the same amount of income, from a vested interest in the public funds, held for 2 years past, and rendered inalienable for 5 prospective years, the legal term of the duration of Parliament.

To husbands in enjoyment of the same income by marriage settlement, and to fathers who are trustees of that value for their children, being under age.

The qualification necessary to become a deputy is fixed at an income of 240 ducats (40*l.*), enjoyed or held on the same conditions.

This qualification is reduced to half in favour of members of the learned bodies.

In the poorer districts of the country, some modifications of the Statute will be admitted.

Property situated in various parts of the kingdom, but amounting to the sum required, will entitle the possessor to vote in any one district containing a portion of the said property, which he may select; but whatever amount of property he may possess in different districts, he may never enjoy but one vote in a district chosen at his discretion; the right of voting in two or more districts being absolutely prohibited.

The electoral lists of voters, and persons qualified to sit, are to be framed by a board composed of the Syndic and 4 councillors in every commune.

The electors of the different communes will, on the appointed day, assemble at the chief town of their respective districts, where under the control of the Syndic and 4 councillors of the said chief town, the election of the deputies will take place.

Every elector will have a number of votes equal to the number of deputies eligible for the district.

The voting will proceed by ballot.

The election may not last more than 3 days.

The Parliament is convoked for the 1st of May.

The members of the House of Peers will be named by the King during the period of the election of deputies. I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

(Inclosure.)—Provisional Electoral Law of Naples.

WE FERNANDO II, &c.

(Translation.)

HAVING taken into consideration the Article LXII of the Constitution, by which it is decreed that for the first convocation of the legislative Chambers there shall be published a provisional electoral law, which shall not become definitive until it has been examined and discussed by the Chambers themselves at the commencement of their first session;

Having taken into consideration the Articles LXIII and LIV of the said Constitution, by which it is decreed that the number of the Deputies shall always correspond with the amount of the population, according to the latest census; and that every quantum of 40,000 souls is to return 1 Deputy; and that in case of there being a deficiency or excess of population within the limits of the electoral colleges, the necessary proceedings are to be established by law;

Having taken into consideration Articles LVI, No. 1, and LVII, No. 1, of the said Constitution, by which all possessed of a taxable income derived from landed property, the amount of which shall subsequently be determined by the said electoral law, are declared electors or eligible ;

Considering that it is necessary to fix, for a given period on the one hand, the computation of the population who are to send Deputies to the Chamber ; and on the other, the central places where the elections are to take place ;

Considering that the establishment of places of election in the provincial chief towns alone would be inconvenient to those whose habitations are far distant from them, and that the capital towns of the districts offer greater facilities for assembling the electors ;

Considering that in each district, when 1 Deputy has been elected for each quantum of 40,000 souls, if there shall be found remaining an excess of population above 20,000, that number of persons must be considered qualified to return another Deputy ;

Considering that in determining the amount of taxable income derived from landed property requisite to constitute an elector, or one eligible as a candidate, it is just to keep in view the manner in which the landed property is distributed, and the nature of the direct contributions which actually exist in the kingdom ;

Considering that in the valuation of this income it is expedient to give equivalents to it, so that the number of those eligible may not be too confined, and likewise to afford the electors a sufficient latitude, so as to be able to include amongst their representatives those who, from their integrity or intelligence, peculiarly merit their confidence according to the scope and spirit of the Constitution ;

On the proposition of our Minister Secretary of State of the Interior, having consulted our Council of Ministers Secretaries of State, have resolved to sanction, and do sanction the following law :

General Provisions.

ART. I. The elections shall be held in the chief towns of the districts, and in each of them shall be elected a number of Deputies, which, according to the last census of the amount of the population, and according to the rule hereinbefore established concerning excess or deficiency in the same, remains fixed as follows :

[Here follows the names of the districts into which the provinces are divided, with the population of each, and the number of Deputies—

Total of the population	..	..	6,517,628
Total of the Deputies	..	..	164]

II. The amount of income derived from landed property necessary for being comprised in the lists for the elections, of which mention will subsequently be made when treating of the election of Deputies, is fixed at 24 ducats a-year for the electors, and at 240 ducats for persons eligible.

Among incomes derived from landed property are comprised those from properties given on perpetual lease, both by the lessee and the holder of the lease, and those which are derived *usu fructi nomine* from a farm, the freehold of which belongs to another.

III. The following shall be considered as equivalents for the income derived from landed property treated of in the preceding Article:—An income of equal value inscribed for 2 years in the great book of the public debt, and for that purpose therein deposited on trust security during the entire period of 5 years, the duration of the session of Parliament. Interest to that amount received by a citizen from a capital of which he has been in possession for 2 years, and which is guaranteed by a valid mortgage. Those who have inherited their funded property or their capital at interest, are exempted from the obligation of having been 2 years in possession.

IV. The income derived from the dower of the wife shall, if they live together, qualify the husband to be included in the list of voters or eligible persons, whether it be his sole possession or used to make up the amount required. The same applies to the income derived from the property of children, of which the father has the legal administration during their minority, as also to any amount of money which a widow, not re-married, may make over either to one of her sons, or to the husband of her only daughter.

V. The half of the several incomes treated of in the 3 preceding Articles shall entitle to be comprised in the list of eligible persons those who, having taken a degree in the Royal University, shall have exercised the corresponding profession for the space of 5 years, as well as the proprietors of a manufactory in operation, situated in a building for which a rent of 200 ducats per annum is paid, according to a legal contract.

VI. When in any district there shall not be a sufficient number of fortunes of the nature required to form the class of persons eligible to sit in Parliament, supplementary lists shall be drawn up, in which shall be comprised those who have the largest fortunes of the neighbourhood, even if they are not of the amount strictly required by the present law.

VII. Provided the computation of the census of incomes, whether derived from money in the funds or from landed property, be confined to the territory of the kingdom, it shall not prevent any citizen from being comprised in the lists of electors or eligible persons, if he draws

his qualification from a different place from that which he really inhabits.

But in this case it is forbidden for any one to exercise the elective franchise in 2 different colleges. A double vote is most strictly prohibited.

VIII. Those who inhabit one district and derive their qualifications from property situated in others, must declare to the competent authorities to which college they intend to belong, whether as elector or eligible, so that they may be included in the list of that district.

The definitive electoral law shall decide how long before the convocation of the electoral colleges such declaration shall be valid.

IX. It is declared that the titular professors of the Royal Military College, as well as the professors of the College of Marine Cadets, enjoy the same electoral privileges as do the professors of the Royal University, according to Articles LVI and LVII of the Constitution.

Of the Formation of the Electoral Lists.

X. In each commune there shall be an electoral Giunta, composed of the syndic and of 4 decurions, appointed by the Decurionate, by which the lists of electors and eligible persons shall be drawn up.

XI. On the day subsequent to the publication of the present law the syndic shall assemble the Decurionate for the purpose of appointing the 4 decurions who are to form part of the electoral Giunta ; and on the same day the Giunta shall proceed to draw up the list, which must imperatively be finished within the space of 8 days.

In the case of the eletti of the city of Naples, who represent the syndic in the quarters of the city respectively under their superintendence, the Decurionate shall appoint 4 distinguished citizens for each quarter, who with the eletto shall represent the electoral Giunta treated of in the present law.

XII. The electoral Giunta shall consult the registers of the land-tax, in order to be able to include in the lists the names of those who possess the amount of income derived from landed property required by the present law ; and on the same day on which they commence drawing up the electoral lists, they shall affix a notice on the door of the town-hall, calling on the inhabitants to produce documents qualifying them to be included in the number of voters, or of persons eligible as candidates.

These documents shall be exempt from all stamp-duties.

XIII. With respect to the qualification required of voters or candidates, the Giunta will keep in mind, in the formation of the lists, the rules laid down on this subject both in this law and in Articles LVI and LVII of the Constitution.

XIV. At the expiration of the 8 days of which mention is made in Article XI, the lists, signed by all the members of the Giunta, shall

be affixed on the door of the town-hall, so that the public may have full liberty to inspect them.

XV. During the 5 days following, it shall be lawful for any citizen to protest before the Giunta, either against his not having been himself included in the list of voters, or against the admission of any one not possessing the qualification required by law.

During the same period of 5 days, the Giunta must decide upon the reclamations brought before them, and when substantiated, must revise the lists accordingly.

XVI. At the expiration of those 5 days, the lists are to be declared closed, and are to be drawn up in duplicate, whereof one copy is to remain in the chancery of the municipality, and the other to be sent to the electoral Giunta of the chief town of the district where the electoral college is to assemble.

XVII. Those who may consider that their reclamations have been unjustly rejected in their own commune, may, during 3 days after the closing of the lists, appeal to the electoral Giunta of the chief town of the district, which, together with 2 other decurions called in for that purpose, shall, during that period of 3 days decide upon such claims, and if they be deemed well-founded shall amend the lists accordingly.

Should the reclamations be rejected by the Giunta of the chief town, it shall be lawful to refer finally to the Civil Court of the province, from whose decision there shall be no appeal.

XVIII. The electoral Giunta of each commune represents the authority before which the declarations are to be laid which we treated of in Article VIII of this law.

XIX. The definitive electoral law shall establish how, after the lists have been declared permanent, those variations shall be made which time and circumstances may render indispensable.

Of the Electoral Colleges.

XX. The aggregate number of electors comprised in the lists of the various communes of a district shall compose the electoral college.

XXI. Each electoral college shall meet in the capital of the district on the day fixed by the decree of convocation, and can only take cognizance of the election of the deputies: any other act shall be declared void.

XXII. On the same day, the syndic of the district shall assemble the electoral college in the town-hall, or in some other appropriate house, that they may proceed to the election entrusted to them.

The lists of all the electors and eligible persons of the districts shall be exposed in the assembly-room for public inspection.

XXIII. The syndic of the capital of the district shall provisionally

assume the functions of president of the college; the 4 decurions which compose with him the electoral commission of that capital of the district shall act as secretaries.

XXIV. The president's chair shall be placed on a raised platform at the head of the assembly-room, and tables with writing materials shall be placed before him, and on a lower platform for the 4 secretaries.

A copy of the Constitution, one of the Electoral Law, one of the list of all the electors and of the eligible persons of the district, and a ballot-box with two keys, one of which is to be kept by the president, and the other by the scrutators, of which mention will subsequently be made, shall be placed upon those tables.

The tables of the secretaries shall be placed in such a manner that each of the electors may have access to them, and go round freely.

XXV. No person shall be allowed to appear armed in the place where the electoral college sits; a detachment of national guards only shall be stationed near the assembly-room, under the orders of the president of the college.

XXVI. First of all, the provisional president of the college shall call over the names of the electors present, who shall immediately proceed to the election of the real president.

XXVII. Each elector approaching the tables of the secretaries shall write or shall cause to be written by one of the secretaries themselves, upon an appropriate ticket, the name of that elector to whom he intends giving his vote for the presidency. Having done which, folding up the ticket, he shall himself put it into the ballot-box. The tickets shall be placed, ready prepared, of the same form and dimension, upon the tables of the secretaries.

XXVIII. The voting being over, one of the secretaries, assisted by two scrutators chosen amongst the oldest of the electors, shall open the ballot-box, and unfolding one after another the tickets therein contained, shall first ascertain whether they correspond with the number of voters present, then shall read aloud the name of the candidate which is written on each ticket, and shall pass it to the president, after that the other secretaries have taken note of it in the proper registers.

That candidate who shall have acquired the plurality of votes shall be definitively proclaimed president of the college, and he, occupying the seat assigned to him, shall cause the election of the permanent secretaries to be immediately made, after the same manner.

XXIX. If the first time the ballot-box is sent round, there should be no plurality of votes in favour of any candidate, it shall be sent round again, until the necessary plurality shall be obtained.

In case of parity of votes, the oldest candidate shall be chosen;

and in case of parity of age, the names shall be replaced in the ballot-box, and the first drawn out by lot shall be elected.

XXX. The election of President and Secretaries being over, that of the Deputies shall take place, according to the rules prescribed in the 3 preceding Articles.

XXXI. For the election of Deputies, each voter shall write upon his ticket the names of as many eligible persons as there are Deputies to be elected by the district.

A scrutiny having been made, assisted by the scrutators, the President shall proclaim, with a loud voice, the names of those who have obtained the majority of suffrages, and declare them duly elected to serve as deputies in Parliament. The tickets shall then be burned in the presence of the college, and the secretaries shall draw up a minute of the election which has taken place, in 3 copies, whereof 1 shall be consigned to the deputy elected, in lieu of a warrant of election, 1 shall be officially sent to the Minister Secretary of State of the Interior, and the other shall be deposited in the archives of the capital town of the district.

The minute shall be signed by the President and 4 secretaries.

The length of the proceedings of the college shall not exceed 3 days.

XXXII. We reserve to ourselves the right to make modifications in this our provisional electoral law, so as to suit it to the wants and especial condition of our dominions on the other side of the Faro, as soon as we shall have given effect to the dispositions of Article LXXXVII of the Constitution.

XXXIII. Our Minister Secretary of State of the Interior, and all our Ministers Secretaries of State, each in their respective offices, are charged with the execution of the present law.

We will and command that this our law, signed by us, ratified by our Minister Secretary of State of Grace and Justice, sealed with our great seal, and countersigned by our Minister Secretary of State, President of the Council of Ministers, and registered and deposited in the archives of the Presidency of Ministers, shall be published with the customary solemnities throughout all our royal dominions, by means of the corresponding authorities, who are to take particular note of it, and insure its fulfilment.

Our Minister Secretary of State, President of the Council of Ministers, is particularly charged with the superintendence of its publication.

DUKE OF SERRA CAPRIOLA, *Minister Secretary of State, President of the Council of Ministers.* FERDINAND.

BOZZELLI, *Minister Secretary of State of the Interior.*

BARONE C. BONANNI, *Minister Secretary of State of Grace and Justice.*

No. 147.—The Hon. R. Abercromby to Viscount Palmerston.

(Received March 25.)

(Extract.)

Turin, March 20, 1848.

IN the afternoon of yesterday numerous reports were in circulation here to the effect that a serious insurrection had broken out at Milan, that a Republic had been declared, and a Provisional Government established.

The town of Turin was in a state of great excitement, and the various supplements of the daily papers, all containing information of a highly-coloured nature, contributed to keep alive the public agitation.

I did not transmit by the messenger Ridgway any official report as to these rumours, the Sardinian Government not having received from their agents any specified details of the extent to which the disturbances at Milan had arrived.

Sufficient was, however, known to induce the Council of Ministers to assemble, and to decide upon the immediate formation of a corps of observation on the Lombardy frontier, and upon the organization of 3 battalions of Volunteers to be stationed at Chivasso, Casale, and Novi.

The formation of the Sardinian troops in position on the frontier is a measure that could, under no circumstances, be any longer delayed, and it is a decision which the interests of the army and of general discipline required. It has, moreover, this advantage, that it will tend materially to calm the public ardour, and enable the Government, with greater facility, to avoid the risks of any collision on the frontier arising out of popular violence.

The disposition of the Sardinian troops will be as follows:—The first line will be formed upon Novara, Mortara, Voghera; the second upon Alexandria, Casale, and Vercelli. A division will be kept in reserve at Turin, and another at Genoa.

Such were the measures decided upon yesterday in Council; and I am informed that the staff officers will be despatched to-morrow to the various points mentioned, to prepare for the reception of the troops.

The Marquis Pareto, whom I have just left, informs me that he has this morning received an official despatch from the Sardinian Consul-General at Milan, the bearer of which had to be let down from the walls of the town by a cord, stating that there had been severe fighting both yesterday and the day before between the Austrian soldiers and the Milanese; that the struggle was still doubtful, but that at 8 P.M. yesterday evening, the hour at which the despatch was sent off, the Austrians still retained possession of the gates of the town.

No mention, however, is made of the establishment of a Provisional Government.

The position of affairs at Milan is, however, very critical, and it remains to be seen whether the example to revolt, now offered by the Milanese, will find an echo amongst the people of the country.

As regards this country, the question is becoming of most serious import.

The policy of this Government in these anxious moments appears to me to point out that, under all circumstances, whether the Austrian force should be sufficient to suppress the present revolt, whether that should not be the case, and that a republic should be declared, or whether a more direct appeal should be made by the Lombards to this country and to its Sovereign, it would be a most fatal mistake to allow itself to be anywise compromised; and that all their endeavours ought to be directed towards the maintenance of the strictest neutrality.

Nobody under the present aspect of politics can reasonably take umbrage at this country for protecting her frontiers from whatever side an attack may be possible, and the armaments she has made are only those which a wise and provident Government are called upon to make by the exigencies of the moment; but to employ them for acts of hostile aggression would be to endanger not only the interests of the House of Savoy, but those of the whole country, and of Italy in general.

Such being my view of the present crisis in the politics of this country, I shall conform my language to it on all occasions when talking with the members of the Sardinian Government, and it will be a great satisfaction to me to learn from your Lordship that I have taken ground of which you approve.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 148.—Sir G. Hamilton to Viscount Palmerston.—(Rec. Mar. 25.)

MY LORD,

Florence, March 17, 1848.

I HAVE the honour to transmit the accompanying despatch from Mr. Petre at Rome, containing an address from the new Council of Ministers to the Pope on taking office.

Great sensation has been created at Rome by an attempt on the part of the mob to drive the Jesuits out of the country in the same manner as they have already been expelled from the States of Piedmont and Naples.

In consequence of this attempt, the Pope issued a proclamation denouncing this project as a scandal, and declaring at the same time his intention to resist the violence by force if necessary.

Since then the faction anxious for the expulsion of the Jesuits has directed a petition to the Senate, praying that it may be pointed out

to the Pope that there is no desire to use violent means for obtaining the object in view, but that, notwithstanding, a great desire is manifested that the Jesuits should leave Rome with as little delay as possible, but it appears they will not take their departure without the inducement of a popular demonstration.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure.)—*Mr. Petre to Sir G. Hamilton.*

(Extract.)

Rome, March 12, 1848.

I HAVE the honour to transmit to you, for the information of Viscount Palmerston, the following translation of an address presented to His Holiness by the Council of Ministers on their entering into office, immediately after their first meeting yesterday morning, and as reported in the "Gazetta di Roma" of the 11th instant.

Address to the Pope.

MOST HOLY FATHER!

(Translation.)

CALLED by your Holiness to form part of your Government, we perceive the immense difficulties which are before us from the extraordinarily serious circumstances of the times, and our own insufficiency. But in moments so important every citizen must postpone his private interests to his duty towards his Sovereign and towards his country.

We are expecting the promulgation of the fundamental law promised by your Holiness, with firm confidence. And the generosity of the concessions hitherto made assures us that it will fully answer to the wants of the present time and to actual circumstances. It will be our duty and our care to hasten its accomplishment liberally and loyally.

When this fundamental law shall be promulgated, the Ministry will take upon itself, each answerable one for the other (*solidarietà*), the responsibility of its acts. But in the meantime it is bound to make known to your Holiness what are the principal wants chiefly to be provided for without delay.

It will be necessary, in the first place, that all the secondary authorities be made acquainted with the principles which animate the Ministry; so that the will of the Government be faithfully and quickly executed throughout all the branches of the administration, and that from the extremity to the centre all the forces tend to one end.

It will be likewise necessary to enter immediately on the armament conformably to the desires expressed by the Consulta di Stato, and to put the country into the best possible state of defence; increasing the number of paid troops, and sending them to defensible points

(punti strategici); putting on active service (mobilizzando) part of the civic guard, and organizing the reserve.

But a serious difficulty to this is in the finances; as our State, partly by special, partly by general circumstances pressing on all Europe, is in great penury (in grandissime strettezze.) The Ministry will take into consideration the means of supplying what is wanted (sopperuvi), and trusts that the municipalities (communi), who offered to your Holiness their properties and lives, will, as well as the rich corporations (ecclesiastical), to whom must be of consequence the safety of the country, not spare sacrifices for so noble a cause.

We trust, in fine, that the ties of friendship which already exist between the Papal Government and the other constitutional Governments of Italy will be ever more tightened for the benefit of our common country.

The Ministry, frankly going forward on the road traced out, relies on calming the agitation now reigning in the minds of men, and on maintaining the order necessary to lay the foundation of the new institutions, and to secure the national independence. With such an object in view, it hopes to acquire the support of all wise and generous men, of all those who truly love this Italy, which blessed by you rises to new life.

G. CARD. ANTONELLI.
G. RECCHI.
C. L. ARCIV. DI NEREBI.
G. PASOLINI.
C. ALDOBRANDINI.
F. STURBINETTI.
M. MINGHETTI.

Cardinal Mezzofanti, Minister of Public Instruction, was absent from illness, and the Advocate Sig. Galetti, Minister of Police, has not yet reached Rome.

No. 149.—Sir G. Hamilton to Viscount Palmerston.—(Rec. Mar. 27.)
MY LORD, *Florence, March 18, 1848.*

I HAVE the honour to transmit a motuproprio issued by the Tuscan Government in yesterday's Gazette, establishing the composition and attributions of the new Council of State, founded on Article LXXIX of the Tuscan Constitution.

The ordinary service of the Council is to consist of 9 councillors, including the Vice-President.

Their functions are incompatible with any other official and paid public duty, and have an especial stipend assigned to the office.

Their principal service will be to assist the Government in pre-

paring projects of laws submitted to them by the Ministers, to be discussed afterwards in the Chambers.

The Council will be divided into 3 sections, corresponding to the 3 Ministerial departments, namely, of the Interior, of Justice, Grace, and Ecclesiastical Affairs, and of Finance.

This regulation is to commence on the 1st of May, 1848.

The Gazette containing this edict also contains the new Roman Constitution which the Pope has given to his subjects.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure.)—*Motuproprio containing Organization of Tuscan Council of State.—Florence, March 15, 1848.*

WE LEOPOLD THE SECOND, &c.

(Translation.)

HAVING by Article LXXIX of the Fundamental Statute instituted a Council of State, and wishing now to determine the composition and duties of it, do resolve to order and promulgate the following dispositions :

TITLE I.—Of the Composition of the Council of State.

ART. I. The Council of State shall be composed :

1. Of the Ministers Secretaries of State ;
2. Of Councillors of State ;
3. Of Reporters ;
4. Of Auditors.

To the Council of State shall be attached a secretary.

The Ministers alone and the Councillors of State shall have a deliberative voice.

II. The President of the Council of Ministers shall, as a rule, be President also of the Council of State.

In his absence the Minister of Justice and Grace shall be the President, and in the absence of the latter also, the Minister of that ministerial department to which the affair to be brought under discussion belongs.

If none of the Ministers should be present, a vice-president to be nominated by the Grand Duke shall be President of the Council.

III. The members of the Council of State shall be either in ordinary service or in extraordinary service.

IV. The ordinary service shall consist of 9 councillors, including the vice-president ; of reporters, who shall be the secretaries of the Ministers corresponding with the sections which will be alluded to hereafter ; and of 6 auditors.

V. The extraordinary service shall consist of councillors of an unlimited number.

VI. The functions of a councillor in ordinary service shall be incompatible with any other public stipendiary function.

VII. The ordinary members of the Council of State shall enjoy a special salary, according to the post they may fill.

VIII. The functions of the Councillors of State in extraordinary service shall be gratuitous, except that they will receive those allowances to which they may be entitled in consequence of some other public employment.

IX. The Councillors in ordinary service shall take precedence over the extraordinary Councillors; each of them shall take rank in his respective class according to priority of nomination, and in case of equality in this respect, according to seniority in age.

X. The individuals honoured with the rank of actual Privy Councillors of State, of Finance, and of War, and the honorary Councillors, shall not on this account form part of the Council of State: they shall, however, maintain all the prerogatives and honours of which they may be in possession.

XI. The ordinary and extraordinary Councillors, the Secretary, and the Auditors of the Councillors of State, shall wear the uniform already granted to the Councillors, and to the Secretaries and Clerks respectively of the ancient *Consulta*, and shall enjoy the same honours as they enjoyed.

XII. In order to be appointed auditors at the Council of State, the persons to be nominated must be 25 years of age, must have graduated as Doctors, and must undergo an examination previous to the issue of their commissions.

XIII. The functions of the Auditors at the Council of State shall be gratuitous for the first 2 years; and if upon the expiration of that period they should continue on the roll, they shall be entitled to a salary of 300 crowns from the 3rd year to the 5th year; after which time a provision shall be made exceptionally in their favour, if they should not be otherwise placed.

TITLE II.—*Of the Duties of the Council of State.*

XIV. The opinion of the Council of State may be demanded upon the projects of laws and of sovereign dispositions; and it shall in general reply to all the questions which are submitted to it by the Ministers.

The Council may in like manner be charged with the preparation and compilation of the projects of laws.

XV. It shall also necessarily give its opinion upon all the sovereign dispositions by which the regulations of public administration are established.

XVI. A separate law, to be submitted to the legislative assemblies,

shall determine the duties which are to be assigned to the Council of State in administrative suits.

TITLE III.—Of the Forms of Proceeding.

XVII. The Council of State shall, for the purpose of examining those affairs which may be referred to it, be divided into 3 sections corresponding with the 3 ministerial departments, viz., that of the Interior, that of Justice and Grace and Ecclesiastical matters, and that of the Finances.

This division shall be effected by order of the Grand Duke.

XVIII. Each section shall take the name of the ministerial department to which it corresponds, and shall consist of 3 Councillors, of the Reporters, and 2 Auditors, and the respective Minister or the Vice-President of the Council, or the Chief Councillor of the section, shall be the President of it.

XIX. Those matters which belong to the Ministry of Foreign Affairs, and respecting which the Council of State may or ought to be consulted, shall be submitted to the section of Justice and Grace.

XX. The Minister of War may submit the affairs belonging to his department to that section which he may deem proper, according to their nature to entertain them; and if circumstances should occur which require special military cognizance, he shall be provided with the means by the appointment of a commission of officers to be nominated by the Grand Duke.

XXI. The sections may, upon the resolution of the Council of Ministers, be increased by one or more Councillors in extraordinary service, to be summoned for the purpose of taking part in the preparation and discussion of certain affairs.

XXII. The projects of law, after having been considered and prepared by the section to which from their nature they may belong, shall be discussed at a meeting of the united sections, or at a general meeting of the Council.

XXIII. The Grand Duke shall determine, whenever a project of law on public administration may be discussed in a section, without being submitted to the examination of the united sections, or to a general meeting of the Council.

XXIV. The resolutions of the Council of State, as well in the sections as at a general meeting, shall be taken according to the majority of votes.

XXV. All the members of the Council of State, as well in ordinary service as in extraordinary service shall be summoned to the general meetings of the same.

XXVI. Whenever a Councillor shall be prevented from being present at the sitting of a section, a Councillor in extraordinary service shall take his place.

XXVII. The Council of State shall not be at liberty to deliberate at a general meeting, unless there be present two-thirds at least of its members having a deliberative voice, not including the Ministers.

XXVIII. If the members present who have a deliberative voice shall be equal in number, the President shall have the casting vote.

XXIX. Those dispositions of the Sovereign which may be issued in conformity to the resolution of the united Council, shall mention that the Council of State has been heard upon the subject; and those dispositions which may be issued in conformity to the resolution of one or more of the sections, shall mention those sections which have been heard upon the subject.

XXX. The secretary shall always assist at the meetings of the united sections, or at the general meetings of the entire Council, and shall register their proceedings.

He may also assist at the meetings of any single section, prepare, as occasion may require, the matters which are to be brought for discussion before the sections, availing himself of the assistance of the auditors, and direct the same in the affairs committed to them.

XXXI. Whenever the secretary shall be unable to assist at the meetings of the sections, the senior auditor, by nomination, who is attached thereto respectively, shall take his place.

XXXII. The auditors shall assist in turn at the meetings of each section, and in some special cases may be even charged with the performance of the duties of reporters to the same.

XXXIII. All the auditors shall assist at the meetings of the united sections and at the general meetings of the Council, and their presence shall not be dispensed with unless by special permission.

XXXIV. The Royal Consulta of State shall be abolished as soon as the Council of State enters upon the active discharge of its duties.

XXXV. The present dispositions shall take effect from 1st May, 1848.

Dated the 15th March, 1848.

V. F. CEMPINI.

LEOPOLDO.

A. GHERARDINI.

No. 151.—Viscount Palmerston to The Hon. R. Abercromby.

(Extract.)

Foreign Office, March 27, 1848.

You will have seen by my despatch of the 13th instant, forwarded by Count Revel's courier, and which you must have received soon after the date of your despatch of the 20th instant, that in the advice which in that despatch you state it to be your intention to give to the Sardinian Government, you were correctly anticipating the instructions which were on their road to you. I have, therefore, now only

to instruct you to hold the same language, and to give the same advice to the Sardinian Government, and to impress upon the minds of the Ministers of the King of Sardinia the great risks and dangers of many kinds which they would bring upon their country by involving it in unnecessary and aggressive hostilities with Austria.

The Hon. R. Abercromby.

PALMERSTON.

No. 152.—The Hon. R. Abercromby to Viscount Palmerston.

(Received March 27.)

MY LORD,

Turin, March 21, 1848.

No post has reached Turin from Milan for 2 days. We are, therefore, still without any very correct or detailed information from thence.

Private letters are said to have been received late last night from the frontier, giving an account that the cannonade from the citadel of Milan upon the town continued, that there was fighting in the streets between the military and the populace; that the people seemed rather to be losing ground from want of ammunition and sufficient arms; and that the Austrians still held possession of the gates of the town.

It is said, but of the correctness of this assertion I have no means of judging, that a body of peasants from the country had come to the assistance of the inhabitants of Milan, but that the Austrian troops had succeeded in preventing their entry into the town.

There is also a report of some Swiss free corps having appeared at Como and at other places at the foot of the mountains, with the intention of aiding the Milanese.

These various reports, which circulate here with the greatest rapidity, keep up the agitation in the minds of the people of this country, and this morning an assembly, not very numerous, however, met in front of the Ministry of the Interior, vociferating for arms. The civic guard was called to disperse them, which they did without difficulty.

The Count Arese, a Milanese, arrived here the night before last to demand help from Piedmont for the insurgents of Lombardy; he saw the Ministers yesterday morning, and returned in the evening to Milan, much disappointed at the unsuccessful issue of his mission. I am told positively that he did not see His Sardinian Majesty.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 153.—The Hon. R. Abercromby to Viscount Palmerston.

(Received March 27.)

MY LORD,

Turin, March 22, 1848.

WE are still without any direct news from Milan.

Reports from the frontier are, however, constantly arriving, but as no communication appears as yet to have been established with the interior of the town of Milan, these reports are all more or less subject to criticism.

Amongst those which have arrived this morning it is asserted that the Austrians in the citadel had demanded to capitulate; the result, however, is not known, but it is supposed that a suspension of hostilities had taken place, from the firing having ceased, and that the tocsin was no longer heard ringing from the bells of Milan.

The accounts of an insurrection at Piacenza, Parma, Reggio, and Modena, seem to be confirmed, and these towns are said to be in the hands of the inhabitants.

About 300 Genoese volunteers have succeeded in leaving Genoa with arms in their hands, and, from an account I have received from an eye-witness, many of them had arrived at Mortara and at Gravelone, on their way to the frontier.

One regiment of guards left Turin this morning for the army; and the other follows to-morrow.

To-day the town of Turin is quiet. I have, &c.
Viscount Palmerston, G.C.B. RA. ABERCROMBY.

*No. 154.—The Hon. R. Abercromby to Viscount Palmerston.
 (Received March 28.)*

(Extract.)

Turin, March 23, 1848.

THE Government of His Sardinian Majesty have received this morning a despatch from the Sardinian Consul at Milan, dated last night, by which it appears that the Austrian troops still continue to hold the citadel and most of the gates of the town. No mention, however, is made of any negotiation for an armistice.

The Milanese do not seem to be in want of ammunition or of provisions; and they have got possession of the Porta Tosa, which opens a communication with the exterior of the town.

The combat continued all yesterday, and the impression is that the inhabitants were rather gaining than otherwise upon the troops.

A slight collision between Austrians and Piedmontese, and an infraction of the Sardinian territory, have occurred at the bridge on the Gravelone.

The whole length of this bridge belongs to Sardinia, and it would appear that some Piedmontese unarmed volunteers went upon it, but not to its limits at the Austrian end. A post of Austrian Custom-house officers perceiving them fired, and came upon the bridge, when 2 Austrians were made prisoners by the Piedmontese. The Intendent of the Province of Mortara arrived last night at Turin, bringing this information and the procès-verbal of what had occurred.

There is great excitement throughout the province of the Lomellina, and the Genoese volunteers which are constantly arriving upon the frontier make the position of affairs extremely critical.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 155.—The Hon. R. Abercromby to Viscount Palmerston.

(Received March 27.)

MY LORD,

Turin, March 23, 1848, at midnight.

I HAVE the honour to transmit herewith, to your Lordship, copy of a note I have just received (11 o'clock P.M.) from the Marquis Pareto, conveying to me the result of the deliberations of the Council of Ministers held this afternoon, upon the question of the policy to be followed by Sardinia in consequence of the revolt that has taken place at Milan against the Austrian authorities.

I likewise add a printed copy in Italian of the supplement of the Piedmontese Gazette, containing an order of the day published this evening by the Minister of War to the army; a notice for the immediate calling out of the remaining contingents of the active army; and an order for the reserve of the army to hold themselves in readiness to march at the first moment that they may be required to do so.

These various documents speak sufficiently clearly as to the intentions of the Sardinian Government; but before dispatching the estafette who is the bearer, as far as Paris, of this despatch, I called upon Count Balbo to ask him whether the Government had decided to cross the frontier.

From him I learnt that he and his colleagues, judging from the various official reports made to them by the Director of the Police of the imminent danger that existed of a Republican Revolution breaking out in this country, should the Government delay any longer to assist the Lombards, and seeing in their opinion, the impossibility of restraining further the great and general excitement that exists throughout the States of His Sardinian Majesty upon this subject they had complied with the demands made upon them to-day by deputies from Milan for military assistance; and that orders had been issued to General Passalacqua to proceed immediately to Novara, to take with him such regiments as could be spared from that garrison, and to proceed direct to occupy Milan, which has, according to the accounts received by the Sardinian Government, been evacuated by the Austrian troops.

This advanced guard will be accompanied by one of the deputies from Milan, and will be followed by the whole of the Sardinian disposable force, as quickly as they can be marched across the frontier.

His Royal Highness the Duke of Savoy will leave for the army

to-morrow or next day, and His Sardinian Majesty will follow at the beginning of the week.

When all the contingents shall have joined their respective corps, the Sardinian army will be able to place from 70,000 to 80,000 men in the field; with the reserve the total number may reach 120,000 to 130,000 men of all arms.

I reserve myself for another opportunity to report to your Lordship the observations I have addressed both to Count Balbo and to the Marquis Pareto, on the consequences of a determination on the part of the Sardinian Government to cross the Austrian frontier; but I observed this evening to Count Balbo, that although I should fairly state to your Lordship the difficulties of the situation of the Sardinian Government, arising out of the universal and deep excitement that prevails in Piedmont upon the question of assisting the Lombards to expel the Austrians from Italy, still that I could not conceal from you that in my opinion a firm and decided course of action might have enabled the Government to avoid a measure of this serious nature.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure 1.)—*The Marquis Pareto to the Hon. R. Abercromby.*

Turin, le 23, Mars, 1848.

En présence des graves événements dont la Lombardie et principalement la ville de Milan sont le théâtre, le Soussigné, Ministre Secrétaire d'Etat pour les Affaires Etrangères, croit de son devoir de porter à la connaissance de Mr. Abercromby, &c., les considérations suivantes qui serviront à faire apprécier la conduite du Gouvernement de Sa Majesté le Roi de Sardaigne dans d'aussi graves circonstances.

Le premier devoir et le droit imprescriptible d'un Etat est sans doute d'assurer la conservation de sa propre existence; or, lorsque des événements de force majeure, des événements qui par leur gravité, par la bien juste sympathie qu'ils excitent dans les pays, surgissant dans les pays limitrophes, mettent cette existence en danger d'être compromise, le Gouvernement a sans doute le droit de prendre toutes les précautions nécessaires pour se garantir de ces catastrophes qui bouleversent l'Etat et le conduisent parfois à deux doigts de sa perte.

Mr. Abercromby connaît aussi bien que le Soussigné les graves événements qui viennent d'avoir lieu dans la Lombardie: Milan en pleine révolution et bientôt au pouvoir des habitants qui, par leur courage et leur fermeté, ont su résister aux troupes disciplinées de Sa Majesté Impériale, l'insurrection dans les campagnes et villes voisines,

enfin tout le pays qui borde les frontières de Sa Majesté Sarde en feu.

Cette situation, comme peut bien le comprendre Mr. Abercromby, réagit sur l'état des esprits dans les provinces qui appartiennent à Sa Majesté le Roi de Sardaigne. La sympathie qu'excite la défense de Milan, l'esprit de nationalité qui malgré les délimitations artificielles des différents Etats, se fait néanmoins très-puissamment sentir, tout concourt à entretenir dans les provinces et dans la capitale une agitation telle qu'il est à craindre que d'un moment à l'autre il n'en puisse résulter une de ces révolutions qui mettrait le Trône en grave péril, car on ne peut se dissimuler qu'après les événements de France, le danger de la proclamation d'une République en Lombardie ne puisse être prochain ; en effet, d'après des renseignements positifs, il paraît qu'un certain nombre de Suisses a grandement contribué par son intervention à la réussite du soulèvement de Milan.

Si l'on ajoute à cela les mouvements de Parme et de Modène ainsi que ceux du Duché de Plaisance sur lequel on ne peut refuser à Sa Majesté le Roi de Sardaigne le droit de veiller comme sur un territoire qui doit lui revenir par droit de réversibilité ; si l'on ajoute qu'une grande et sérieuse exaspération a été excitée en Piémont et dans la Ligurie par la conclusion d'un Traité entre Sa Majesté Impériale et les Ducs de Parme et de Plaisance, et de Modène, traité qui sous l'apparence de secours à fournir à ces petits Etats les a réellement englobés dans la Monarchie Autrichienne en portant ses frontières militaires, du Po où elles devraient finir, jusqu'à la Méditerranée, et en rompant ainsi l'équilibre qui existait entre les différentes Puissances de l'Italie, il est naturel de penser que la situation du Piémont est telle que d'un moment à l'autre, à l'annonce que la République a été proclamée en Lombardie, un mouvement semblable éclaterait aussi dans les Etats de Sa Majesté le Roi de Sardaigne, ou que du moins il y aurait quelque grave commotion qui mettrait en danger le trône de Sa Majesté.

C'est dans cet état de choses que le Roi, fort de son droit pour la conservation de ses possessions, fort des droits qu'il a sur le Duché de Plaisance et dont par une violation manifeste on n'a pas voulu tenir compte lorsqu'on a signé le Traité du 24 Décembre, 1847, se croit obligé de prendre des mesures qui, en empêchant que le mouvement actuel de la Lombardie ne devienne un mouvement Républicain, éviteront au Piémont et au reste de l'Italie les catastrophes qui pourraient avoir lieu si une telle forme de Gouvernement venait à être proclamée.

Le Soussigné, &c.

The Hon. R. Abercromby.

L. N. PARETO.

(Inclosure 2.)—*Supplement to the "Gazzetta Piemontese" of March 23,*
(Translation.) 1848.

IN the council of conference of this day, His Majesty having heard his Ministers, has decreed :

1. The immediate armament of the 2 classes remaining to complete the effective body of the army.

2. The departure of the several regiments of infantry, cavalry, and artillery, or their rapid advance towards the frontier.

3. The acceptance of the generous offers made by individuals of horses, means of transport, and other things, and of the offers to supply the cost of equipping and maintaining the soldiers of the royal army.

4. The notice to the army of reserve to hold itself in readiness for the first call.

5. The proposal of a voluntary national and temporary loan at 5 per cent.

6. The names of persons offering shall be inserted in the journals.

The offers made by many parties to sell, to hire, to lend, or even to give, as a fine example of patriotism, their own horses for the service of the army, induce the Minister of War and of the Marine to publish the following notice :

1. That all those who have horses fitted for the saddle or for artillery, which they are desirous of selling, may present them at all times to the Colonel Marchese di Pamparato, who, although he has already obtained the greater part of the horses required, as he was commissioned to do, by purchasing either in the country or out of it, will nevertheless continue, in consequence of the urgency of the time, to make fresh purchases, on account of Government, of such as shall be offered.

2. That all those who are willing to give, hire, or lend their horses to the Government, may send them to the Comte di Pettinengo, in Turin, commandant of the provision train, who is directed to receive them on the Government account.

3. That horses hired shall entitle the owner to receive a remuneration of $1\frac{1}{2}$ lira per day from the Government, which shall also be at the charge of their maintenance.

4. That when horses are received either on hire or on loan, the price shall be estimated by valuation.

5. That in case any horse be killed, or die, or be taken, the Government shall compensate the owner according to the value estimated when received.

6. That the presentation of horses to the commandant of the train may take place from to-morrow, from 10 o'clock in the morning until 3 in the afternoon.

*Order of the day to the Army.**Office of Minister of War and Marine.*

Love to my country, devotion to my king, and love of liberty, have induced me to take the office of Minister of War, at a time when every soldier, every subject, becomes the defender of his Sovereign, of his country, and of the Constitution.

I present myself to the army with the confidence inspired by sincerity of convictions, purity of intentions, and the supreme desire of the utmost good of my country.

Faithful to your King, faithful to the Constitution, worthy of admiration for the military discipline of which you have shown such evident proofs, especially in those times—you will show, Soldiers! that you have not degenerated from your fathers in supporting your King and your country in every emergency.

Provincial Soldiers, you have shown what patriotism can effect! The country, grateful, remembers you, your fathers, and your sons.

Discipline maintains order, and secures victory. Let the army trust in the wisdom of the Monarch and the loyalty of his Ministers.

Long live the King! Long live the Constitution!

FRANZINI, *Minister of War and Marine.*

No. 157.—*Viscount Ponsonby to Viscount Palmerston.*

(Received March 28.)

(Extract.)

Vienna, March 20, 1848.

I RECEIVED late on the 19th your Lordship's instructions, and to-day I had a long conversation with Count Ficquelmont.

I told his Excellency that your Lordship did not believe that the King of Sardinia harbours those aggressive designs on Lombardy which have been attributed to him, and that Her Majesty's Government had strongly advised the King to come to a good understanding with Austria for mutual defence in case of need, and that your Lordship had no reason to think that the King is disinclined to do so.

His Excellency replied, that he believed the King had not now any such projects, though certainly he had them at one time, and that it was the knowledge of such projects that obliged Austria to keep troops where they could defend Lombardy against attacks; and that the Austrian Government never had the least intention to attack the King. His Excellency continued: The King is now unable to execute any plan against the Austrians. It is fully in the power of the English Government to induce the Piedmontese to abstain from attacks of all kinds upon Austria; it is in the power of the British Government to induce the Tuscan Government to cease to menace and vilify Austria: for it is only necessary that your Lordship should direct the British Diplomatic Agents in Italy no longer to excite feelings of

hostility against Austria; and, he added, that he should attribute to the English Government the continuation of those attacks.

His Excellency said, he knew that hostilities breaking out between Piedmont (or Tuscany) and Austria might very probably lead to a general war; but the British Government could easily put an end to all such danger, and that Austria wished the British Government to interpose for that purpose.

With respect to Lombardy and the Venetian States, his Excellency said, Austria is ready to grant to them everything they desire to have, and the Austrian Government would not refuse to one province what it had lately granted to the other dependencies of the Crown; adding, that the Lombards and the Venetians had already returned to a state of good feeling towards Austria, and now showed a willingness and a desire to remain under the Imperial Crown.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 158.—Viscount Ponsonby to Viscount Palmerston.

(Received March 29.)

MY LORD,

Vienna, March 23, 1848.

I HAVE the honour to transmit, in translation, the copy of a proclamation which appeared in this day's "Vienna Gazette," announcing that His Imperial Majesty the Emperor had been pleased to grant a general amnesty to all political prisoners in the Kingdoms of Galicia and Lodomeria, including Cracow, and also in the Lombardo-Venetian Kingdom.

This proclamation has produced a very good effect here. Everything remains perfectly tranquil.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Proclamation of the Emperor of Austria, granting an Amnesty to Political Offenders.—Vienna, March 20, 1848.

(Translation.)

WE Ferdinand I, by the Grace of God, &c.

IN order to give our faithful subjects a further proof of our confidence, and to prove to them how much we are inclined to act with mercy towards all those who have been misled, have determined to make use of our prerogative, and to take the following measures, particularly as regards the Kingdoms of Galicia and Lodomeria, as well as the Lombardo-Venetian Kingdom:

1. In the Kingdoms of Galicia and Lodomeria, including the territory of Cracow, as well as in the Lombardo-Venetian Kingdom, we have resolved to remit the sentence to all civilians who are at present undergoing punishment for high treason, or for attempts against the tranquillity of the State, except they should be guilty of other crimes.

2. With regard to those individuals whose cases are still before

the tribunals, and who have not been definitively judged, that no further proceedings be taken, and no new trial for similar deeds be carried on; but foreigners comprised in both these classes shall immediately leave our territories, and only be allowed to return with our express permission.

3. All those are to be restored to the enjoyment of their liberty, who in the aforesaid kingdom have been confined elsewhere, on account of their having become involved in political intrigues, or thereby compromised.

4. All those who from similar grounds have been subjected to a special interdiction, are to be considered free from it.

We accordingly hope with confidence that by these our ordinances the public mind will be quiet, tranquillity and order everywhere restored, and that our true subjects will prove their love and attachment to us which they have on so many occasions so praiseworthily shown us.

Given at our imperial residence at Vienna, March 20, 1848.

FERDINAND.

No. 161.—*The Hon. R. Abercromby to Viscount Palmerston.*
(Received March 29.)

(Extract.)

Turin, March 24, 1848.

IN my despatch of last night I referred to some observations I had made to the Marquis Pareto and to Count Balbo, upon the policy which Sardinia was, as I then feared, about to follow with regard to Lombardy.

Your Lordship's despatches to me by the Sardinian messenger, enabled me to point out to them the importance which your Lordship attached to avoiding all idea of becoming aggressors, and thus endangering the peace of Europe. I reminded them that if they recollected the policy that Great Britain has followed since the beginning of the Italian movement, and the declarations which your Lordship had repeatedly made on the subject of maintaining the faith of existing Treaties, they would at once perceive how much they were indebted to that system of policy and to those declarations. I stated that I left them to judge what would be the consequence if, abandoning their present advantageous position, they decided upon becoming aggressors, and attacking the territories of a neighbouring State, for they must see that Great Britain, preserving, as she always did, a consistent and uniform course of policy, must under such circumstances disapprove of measures which placed Sardinia in the wrong, and in opposition to those very principles which had hitherto formed the strength of her case.

I concluded by observing that the events at Milan, and the change which I observed as likely to be made in the policy of the Sardinian

Government, were of such a recent date, that I could not pretend to have received particular instructions from your Lordship with regard to them; but judging from the views adopted by your Lordship, and by the general principles of the policy of Her Majesty's Government, I was led to the conclusion that you would consider that any unprovoked attack from this country upon Austria would seriously compromise the interests and welfare of this country and of the House of Savoy.

My observations were met by statements of the universal feeling that pervaded the States of His Sardinian Majesty in favour of Lombardy, by declarations that the Government were nearly at the end of their resources to control the frantic enthusiasm of the people, and that if a solution of the Lombardy struggle was not obtained within a very few days, the Sardinian Government would be constrained, by force of circumstances, to take the initiative, and by placing themselves at the head of the movement to endeavour to arrest the further effusion of blood.

My despatch of last night will have already informed your Lordship of the final decision of the Sardinian Government on this question, and of the measures that have in consequence been taken.

I now transmit herewith to your Lordship printed copy of a proclamation to the inhabitants of Lombardy and of the Venetian States, which has this morning been issued by His Sardinian Majesty.

The accounts received this morning from Genoa are, that a popular demonstration to oblige the Governor of the town to send succours to Lombardy had been calmed by his promising to detach a portion of the garrison for that purpose.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—Proclamation of the King of Sardinia to the Inhabitants of Lombardy and Venice.

CHARLES ALBERT, &c.

(Translation.)

People of Lombardy and Venice!

Turin, March 23, 1848.

THE fate of Italy is ripening. A more happy destiny smiles on the defenders of rights trodden under foot.

From love of our own lineage, from the intelligence of our times, from a participation in the same desires, we have been the first to accept the unanimous admiration which Italy pays you.

People of Lombardy and Venice! our arms, which were already concentrating on your frontiers when you anticipated the deliverance of glorious Milan, now in further trials come to offer you the help which brother expects from brother, and friend from friend.

Confident in the help of that God who is visibly with us, we will second your just desires of that God who has given Pius IX to Italy.

of that God who with such wondrous impulses has put Italy in the condition of standing by her own efforts.

And in order still more to exhibit by internal marks the sentiments of Italian union, it is our will that our troops entering the territory of Lombardy and Venice may bear the shield of Savoy superposed on the tricolour Italian flag.

CHARLES ALBERT.

No. 162.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received March 29.)

MY LORD,

Turin, March 24, 1848.

I HEREWITH transmit to your Lordship copy of the note I have addressed to the Marquis Pareto, in reply to his communication of last night.

My Russian and Prussian colleagues have replied in the same manner.

My Austrian colleague leaves Turin to-morrow for the headquarters of Field-Marshal Radetzky, leaving the councillor of the Austrian Legation and a secretary in charge of the archives of the Mission.

It seems that the Marquis Pareto's note has been addressed only to the Representatives at this Court of Great Britain, Austria, Russia, and Prussia.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—*The Hon. R. Abercromby to the Marquis Pareto.*

Turin, March 23, 1848, Midnight.

THE Undersigned, &c., has the honour to acknowledge the receipt this evening, at 11 o'clock, P.M., of the note which the Marquis Pareto, &c., has done him the honour to address to him on the subject of the policy which the Government of His Sardinian Majesty is about to follow in consequence of the grave events that have recently occurred at Milan.

The Undersigned will not fail to transmit immediately this important document to the Government of Her Britannic Majesty.

The Undersigned, &c.

Marquis Pareto.

RA. ABERCROMBY.

No. 163.—*The Marquis of Normanby to Viscount Palmerston.*

(Received March 29.)

MY LORD,

Paris, March 28, 1848.

THE Marquis de Brignole called upon me this morning with the most recent news from Turin, and read to me a despatch he had received from the Marquis Pareto, giving in some detail the reasons which had induced the King of Sardinia to take the part he had at last done in the affairs of Lombardy. Many of the arguments used by the Marquis Pareto are the same as those contained in his note to

Mr. Abercromby, but there is one fact which is more distinctly marked than in Mr. Abercromby's communication. This is that Charles Albert had refused the first deputation from Milan to interfere whilst that city was still in the possession of the Austrians. M. Pareto's note to the Ministers intimating the line that the King of Sardinia would probably feel it necessary to pursue, was written before there was positive intelligence of the evacuation of Milan; but the deputation to which M. Balbo alluded in his conversation with Mr. Abercromby had brought the news, that on the night of the 22nd the Austrian army surrendered the citadel and was in full retreat from Milan towards the Mincio; and then it was that the men of the greatest eminence in Milan, both from character and station, addressed a petition to the King of Sardinia, calling upon him as their neighbour and countryman, to protect them from the consequences of probable disorder, which might follow the victory which they had won for themselves. They mentioned that the Austrians, upon their retreat, were ravaging and pillaging the country. They state to the King, that should he not come forward to their assistance, they apprehend that there would be a cry for a Republic, as numbers of Swiss had arrived to make common cause with them; as to the future, they state, that being merely a Provisional Government, it is no part of their duty to pronounce an opinion, but their wish would be that it might be such as would tend to the union of the North of Italy, and thereby best cause the independence of the Peninsula.

The address, as I understood from the Marquis de Brignole, was the cause of the step taken by the King of Sardinia. He assured me that the act of his Sovereign had not been to commence hostilities against a neighbouring Power, but at the request of those who, unaided, had already won their own liberties, to assist them in maintaining order on a territory which its former rulers had been forced to abandon.

I have, &c.

Viscount Palmerston, G.C.B.

NORMANBY.

No. 164.—The Hon. R. Abercromby to Viscount Palmerston.

(Received March 30.)

(Extract.)

Turin, March 25, 1848.

IN my former despatches I have endeavoured to keep your Lordship informed as accurately as I could of the progress of events in this country, and of the state of public opinion, but I think it right by the present occasion to add a few remarks which may tend to complete and to explain my former reports.

Your Lordship will no doubt recollect that for a considerable time before the resignation of the late Sardinian Cabinet, I had repeatedly stated my fears that unless large and comprehensive concessions were

speedily granted by the Austrian Government to the Lombards, the feeling of exasperation, not only in the Italian provinces of the Austrian Empire, but also throughout Italy, and particularly in this country, would reach such a height as to render it impossible for the Italian Governments to keep it within control.

An interval so precious for Austrian interests was unhappily allowed to pass without any disposition having been shown on the part of the Cabinet of Vienna to listen favourably to the wishes of the Lombards; and when the news of the concessions granted on the 15th instant at Vienna arrived by telegraph at Milan, it was also known, though indistinctly, it is true, that a popular movement in the Austrian capital had preceded these determinations of the Imperial Cabinet.

It was not unnatural, therefore, considering the state of public feeling in Lombardy, the known sympathy which the condition of that country had excited generally throughout the States of Italy, that the news of these 2 events, so far from satisfying the minds of the Lombards, only inspired them with fresh hopes of being able to accomplish their entire emancipation from Austrian control, and to determine them to reject concessions that failed to satisfy their demands.

It was under these circumstances that the rising at Milan took place, and that the struggle, which has ended in the evacuation of that city by the troops of Austria, commenced.

Such was the course which events in Lombardy have taken.

The interest and enthusiasm which they excited in this country have been immense.

I on various occasions expressed to your Lordship my fears that the moment might come when it would be impossible any longer to control the ardour of the Piedmontese, should any collision unfortunately occur between them and the Austrians on the frontier.

The late Government, however, quitted office, without any outbreak having taken place; but they left to their successors a country already excited in the greatest degree; the authority of the law weakened by repeated concessions to popular clamour, and the new institutions of the State still unestablished.

In the face of these difficulties, the Balbo-Pareto Cabinet was formed; it was composed of individuals selected from amongst those who by their former conduct were known to be firmly attached to liberal opinions, and to the cause of Italian independence.

The negotiations that preceded their acceptance of office were difficult and intricate, but they were in the end overcome, and seemed to offer proof of the honesty of their intent and desire to preserve the faith of treaties, and to abstain from all aggression upon neighbouring States.

The composition of the new Cabinet, the knowledge of the principles which were to direct their policy, gave me hopes that by firmness and tact, they would be able to steer their way through the difficulties of their position, and that it might be possible still to avoid the dangers consequent upon the relative position of Piedmont and Lombardy.

To effect this, however, time was requisite. Hardly, however, had the new Ministers taken possession of their offices, when the revolt at Milan broke out, and the struggle between the Milanese and Austrians commenced.

The Government was immediately placed in a most embarrassing situation, foreseeing all the dangers which an aggression by Sardinia upon Austria was likely to produce; but experiencing at the same time all the effects of an immense popular pressure which threatened internal revolt, and which menaced, in defiance of the authority of the Government, to commence an attack upon the Austrian troops by crossing the frontier, and by advancing to the succour of the Lombards.

The prolongation of the struggle at Milan increased the determination of the people here, and weakened the resources of the Government, and at length the danger to the monarchy of Sardinia became in the eyes of the Ministers so imminent, that they were forced to acquiesce in the demands for help addressed to them by the movers of the Milanese insurrection.

The present Sardinian Cabinet has thus been forced into a line of policy, which, had events proved more favourable for them, they would not willingly have adopted, and which is so contrary to the expectations I had formed.

I have thus endeavoured to give your Lordship as faithful a narrative as possible of the events which have preceded, and which have led to the policy which Sardinia is now following.

That there were dangers and difficulties in the way of the Cabinet of Turin is quite certain; but whether they can justify the course pursued, and the immense responsibility they have incurred, it is for your Lordship to decide.

I may add, perhaps, as some extenuation of the conduct of Sardinia, that the general rising that appears to have taken place in Parma and Modena, and the movement of Tuscan troops to the extreme frontier of the Grand Duchy, all rendered the position of King Charles Albert the more embarrassing, and made it at the same time more difficult for him to oppose a movement which assumes the character of nationality.

Since writing to your Lordship yesterday, I have learnt that my Russian and Prussian colleagues have decided upon retiring from Turin until they shall have received fresh instructions from their

Courts, and that they have consequently applied for passports to the Sardinian Government to enable them temporarily to absent themselves from their posts.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 165.—*Sir G. Hamilton to Viscount Palmerston.*—(*Rec. Mar. 30.*)

MY LORD,

Florence, March 22, 1848.

IN consequence of the reports that reached Florence yesterday, of the events that are now taking place in Vienna and Lombardy, I have the honour to inform your Lordship that the Grand Duke issued a proclamation, of which I inclose a copy in original and translation, informing the Tuscans that the hour of the complete regeneration of Italy having unexpectedly arisen, he had given orders that all the regular troops should march upon the frontier in 2 columns; that the service of the capital should be confided to the sedentary civic guard; and that all volunteers who desired to follow the regular army would be instantly organized.

This proclamation was received by the people with great enthusiasm, and in the course of the evening 800 civic guards, besides the regular troops, were in march to the frontier.

It is reported that Parma and Modena are in a state of insurrection.

In the course of the afternoon yesterday, the Advocate Mordini, who hitherto has been one of the most popular leaders of the people, and who is supposed to be connected with the "Alba" newspaper, endeavoured to excite the people by a violent address delivered in the Piazza Gran Duca, calling upon them to demand the dismissal of the Ministers "who had betrayed the country." The Ministers were on the spot, and the Marquis Ridolfi harangued the crowd, and said, that it was unfair to judge the Ministry before the meeting of the Chambers. The crowd responded to the sentiments of the Minister, and Mordini was obliged to withdraw.

The Grand Duke afterwards drove through the streets in an open carriage, and was well received. I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Proclamation of the Grand Duke of Tuscany ordering Troops to the Frontier.*—*Florence, March 21, 1848.*

TUSCANS!

(Translation.)

THE hour of complete Italian independence is unexpectedly arrived, nor could any one who really loves this our common country refuse to it the succour which it claims. I promised you at another time to second, as much as I could, the effusion of your hearts in opportune circumstances; and behold me ready to keep my word.

I have given the necessary orders that the regular troops should

march without delay to the frontiers, in two columns, one to Pietrasanta, the other to San Marcello. The towns, the capital itself, are confided to the stationary civic guard. The volunteers who desire to follow the regular force will receive immediate organization, and will be able to depart under expert officers.

In the midst of the enthusiasm of your hearts for the sacred cause of Italy, do not forget the moderation which embellishes every enterprise.

I watch with my Government over the wants of the country, and in the meantime hasten the conclusion of a powerful Italian league, which I have always admired, and which is now negotiating.

The commander of the regular troops, the Prefect, and the Gonfaloniere of Florence, form a commission charged with the immediate movement of the column of San Marcello. The Governor, the Gonfaloniere of Leghorn, and Colonel Laugier, are charged with the immediate movement of that for Pietrasanta.

Long live Constitutional Italy!

Florence, March 21, 1848.

CAMPINI.

BALDASSERONI.

LEOPOLDO

RIDOLFI.

No. 166.—Vice-Consul Campbell to Viscount Palmerston.

(Received March 30.)

MY LORD,

Milan, March 18, 1848.

I HASTEN to inform your Lordship of the events that have just taken place in Milan.

At 5 o'clock yesterday morning the Viceroy of these States left this city in the direction of Brescia. In the early part of the previous day he had received news that an insurrection had broken out at Vienna on the 13th instant, that the citizens there had risen against the Government and were fighting the troops. The same evening at 9 o'clock fresh intelligence arrived here, informing him that the population of Vienna had been victorious, the conflict only ceasing at half-past 3 o'clock on the 14th, when the Emperor had granted the liberty of the press, and a Representative form of Government to all the States of the empire.

This morning (the 18th) at 9 o'clock, the following notice was posted up in every part of the city :

"The Presidency of the Imperial Royal Government conceive it their duty to make public the contents of a telegraphic despatch from Vienna, dated the 15th instant, which arrived the same day at Zilli, and reached Milan last evening.

"His Imperial and Royal Majesty the Emperor has determined to abolish the censorship, and to cause a law on the press to be

published without loss of time, as well as to convoke the German and Slavonian States, and the Central Congregations of the Lombardo-Venetian Kingdom. The assembly will take place not later than the 3rd of the ensuing month of July.

“ Milan, March 18, 1848.

M. HARLL, *Imperial Royal Inspector
of the Telegraph.*

COUNT O'DONELL, *Vice-President.*”

The perusal of this document, combined with the departure of the Viceroy at such a moment, roused the people to the highest degree of exasperation. About 10 o'clock a written paper, containing the following demands, was circulated in all directions:

1. The abolition of the old police, and the nomination of a new one, subject to the municipality.

2nd. Abolition of the punishment of death, and instant liberation of all imprisoned for political offences.

3rd. A Provisional Government for the Lombardo-Venetian Kingdom.

4th. Immediate liberty of the press.

5th. The assembling of the communal councils and convocations, in order that they may elect deputies for the National Assembly, to be convoked in the shortest possible time.

6th. A civic guard, under the orders of the municipality.

7th. Neutrality on the part of the Austrian troops, and subsistence guaranteed to them.

N.B.—At 3 o'clock the people will meet on the Corso de' Servi.

Towards noon the Podestà, preceded by his pompieri (soldiers trained as firemen), accompanied by a considerable number of citizens, went in a body on foot to the Government palace. The guard there opposed the entrance of the crowd, when a conflict took place, in which 3 soldiers were killed, the rest disarmed, and their accoutrements and schakos thrown into the Grand Canal. The apartment of the absent Governor was sacked.

The Commander-in-chief of the forces, and the Director-General of Police, in spite of every remonstrance, caused the streets to be scoured by parties of soldiers, who fired on the crowds. Barricades were soon erected. All the inhabitants sought for arms, but they did not know where to find them. Bands of armed citizens attacked the troops in different quarters of the city, in the Piazza d'Armi, the Piazza San Fedele, and principally at the police-office, where the police-guards fired from the windows, and killed many citizens. In the Contrada del Monte, near the Palace Vidiserti, the troops were driven back, leaving 2 killed. Among the citizens there were 1 killed and 3 wounded. The Palace Melzi, where the conflict was

chiefly carried on, is riddled with balls. In the Contrada Santa Radegonda 2 soldiers were killed. In the Corso di Porta Orientale 2 citizens were killed. The Tyrolese troops (riflemen) have taken possession of the cathedral.

The following proclamations have just been issued by the Vice-President and the Podestà, near 8 o'clock at night :

“ *Milan, March 18, 1848.*

“The Vice-President, seeing the absolute necessity for maintaining public order, concedes the right to the municipality of establishing a civic guard.

COUNT O'DONELL.”

“The direction of police is abolished, and the security of the city is confided to the municipality.

COUNT O'DONELL.”

“The Municipal Congregation of the city of Milan.

“In consequence of the above, every citizen from 20 to 60 years of age, who does not depend wholly on his daily labour, is requested to present himself at the civic palace for enrolment in the civic guard, which will immediately be brought into active service.

“The direction of the police is confided *ad interim* to Dr. Bellati, provincial delegate.

“It will be the duty of citizens who possess arms to carry them.

CAGATI, *Podestà*.

BERETTA, *Assessore*.

GREPPI, *Assessore*.”

The gates of the city remain closed ; men and arms are expected from the country the moment they can be introduced.

Bodies of citizens perambulate the city armed with fowling-pieces, rifles, swords, pistols, and old halberts, carrying tricoloured flags, with tricoloured cockades in their hats, crying “Viva Pio Nono !” “Viva l'Italia !” “Viva la Repubblica !”

During the night, the soldiers scoured the town and destroyed the greater part of the barricades, throwing carriages, carts, timber, and other heavy articles into the Grand Canal. Count Radetsky, the Field-Marshal, does not acknowledge the authority of Count O'Donell, as he is a prisoner. The soldiers, on approaching a barricade, advance towards it very slowly, firing volleys of musketry to clear the streets, which they did most effectually. Some few barricades they did not succeed in taking, among others, that at the bottom of the Contrada del Monte, which the citizens defended with great vigour ; so much so, that although the muzzles of the guns were almost touching the barricade, the troops were driven back. This took place about 6 o'clock in the morning (the 19th) ; at this period the bells sounded

the alarm in every quarter. The inhabitants, on this, rushed to the windows and to the tops of the houses, throwing down stones and tiles on the troops. Fresh barricades were immediately formed more substantial than those of the preceding day. At 8 o'clock every part of the town was in full insurrection. The military, finding such unexpected resistance, began to retire. From 8 till 10 o'clock, such citizens as possessed fire-arms kept up, from the houses and the corners of the streets, a murderous fire on the troops, the greater part of whom were driven back; those engaged in the Corso di Porta Orientale were driven back behind the Grand Canal, where, after their retreat, the conflict was continued in Borgo Montforte, the courage of the citizens increasing as the troops retired. From 10 till 2, the troops and the citizens were fighting at the theatre of the Scala, in the Piazza de' Mercanti and Porta Ticinese. Two cannon were taken by the citizens, one in the Piazza de' Mercanti, where the main guard is, and the other at Porta Ticinese, a part of the city where none but the lowest classes reside.

In the meantime, Count Cagati, the Podestà, having assembled the members of the municipality, took the most active measures to procure every species of arms for the citizens, but which are very few and very inefficient to cope with numerous bodies of regular troops. In the interior of the city the troops still occupy the vice-regal palace, the great lottery-office, the custom-house, and the treasury, firing from the windows on the people. The barricades already made are strengthened, and numerous others formed, all classes from the highest to the lowest assisting; while females, and even children, were carrying stones to the tops of the houses, ready to be thrown down on the troops. During the greater part of this night the conflict was carried on in different quarters of the city, everywhere successful to the citizens. The most daring courage was shewn by the young Milanese gentlemen, many of whom were killed during the day. One in particular, named Broggi, after having picked off many artillerymen, was struck dead in the breast by a cannon-ball. I must mention here, that last night, the Broletto, or municipal palace, was attacked with cannon, the gates blown open, and those then in it (among whom Count Greppi and Signor Bellotti) were made prisoners and carried off to the castle.

During this night the barricades were strengthened, and others thrown up, the greater part of which would resist grape-shot, and were strictly guarded.

Monday, the 20th.—At daylight the conflict recommenced in the Piazza del Duomo, where the troops were driven out by the citizens from under a long portico, called Coperto de Figini. Later in the day, the troops retreated from the top of the cathedral, from whence, on the preceding day, they had kept up a fire on the people. After severe

conflicts at the Custom-House and at the Treasury, at the vice-regal palace, at the police and the criminal tribunal, the troops were likewise driven from them. At the Custom-House many fire-arms were found, and immediately distributed to the people. The interior of the city is at this moment clear of troops. The greater part of them are at the different gates of the city and on the bastions, to prevent the peasants from entering the city, who were assembled in immense numbers ready to rush in and assist the Milanese. A subterranean canal, or sewer, that leads outside the gate of Porta Tosa, is now draining to enable the citizens to open a communication with the peasants. The different *corsi* leading from the gates of the city continue to be swept with grape-shot, the artillery keeping at a respectable distance from the barricades. The most animating proclamations were issued during the day, giving details of what had taken place in every part of the city, and calling on the citizens to protect the public establishments, and above all, to take care of all public documents.

A superior commissary of police, a man universally hated, is taken and strictly watched in a private house. The citizens had great difficulty in preventing the populace from tearing him to pieces, and were only pacified by being assured, that it was necessary to know many things from him before being put to death.

March 20th.—At 12 o'clock, the political prisoners are liberated by their fellow-citizens. A party of soldiers have been taken prisoner with 4 or 5 of their officers. A Major of a Croat regiment has arrived to treat with the municipality. The terms offered by them being, that the Austrian army should retire into Germany, and would have subsistence furnished them till beyond the Lombardo-Venetian frontiers—terms that later in the day were rejected by Field-Marshal Radetzky. Several of the bravest young men in Milan are falling, which only increases the exasperation of their companions. It may be here proper to state to your Lordship, that in consequence of a report that the city would be bombarded, the Consular Body met at the office of the French Consul-General, and there drew up a protest, in the name of their respective Governments, against this measure; and requiring, in the event of such taking place, that the Consuls should have due notice given by Field-Marshal Radetzky, and sufficient time to allow their countrymen to place both themselves and their property in safety. I do myself the honour to inclose herewith a copy of the correspondence from No. 1 to No. 8. Your Lordship will perceive that it embraces other topics besides that of a mere protest. The attack, the greatest part of this afternoon and early part of the night, was very languid, which may be accounted for by the state of the weather, the rain falling in torrents. Towards

midnight the attack became more animated, but no advantage was gained by the troops, the barricades being well defended.

March 21st.—At daylight this morning the attack was principally carried on with musketry, but no great loss was sustained on either side. At 7 o'clock all the Consuls, in full uniform, went from the French Consul-General's office to the castle, agreeably to an understanding made yesterday, to have an interview with the Marshal Radetzky, accompanied by Count Greppi (on his parole from the castle, where he is a prisoner), who carried a flag of truce. At 11 o'clock the Consular Body returned to the city; at 12 o'clock the attack was vigorously carried on by the troops in the suburbs, and several shots were fired from the castle into the town. From the engineer barracks a deadly fire was kept up by the troops, which was vigorously returned by the Milanese, most of them very young men belonging to noble families. Finding they were losing considerable numbers they set fire to the gates, rushed in, and carried it at the point of the bayonet, making 160 prisoners, with their arms, ammunition, and accoutrements. At the head-quarters (*comando generale*) the troops held out a white flag of truce, in consequence of which the Milanese advanced, when they were treacherously fired upon. From the report of smugglers who got into the town over the bastions, the country outside the gates was swarming with peasants, eager to assist their countrymen. In the suburbs the firing on both sides was briskly kept up till near midnight.

March 22nd.—At daylight the firing commenced as usual in the suburbs, the cannon scouring the streets with grape-shot. From the college for cadets, called St. Luca, a continued fire of musquetry was kept up by the youths there. A flag of truce was held out from it, when the Marquis Triulzi and Signor De Lorenzi, on advancing to parley, were treacherously fired upon, and both wounded. In Porta Vercellina a vigorous attack was made on Field-Marshal Radetzky's palace, which, after a considerable resistance by the troops inside, was carried by assault, and sacked. About 2 o'clock P.M., many soldiers were brought in as prisoners. Towards evening the firing of musketry and grape-shot was incessant, while an occasional shell and Congreve rocket were thrown into the town from the castle. Before dark the Porta Tosa was taken in the most daring manner, the assailants being headed by Dr. Carlo Cattaneo, Giuliano, Manava, and the Marquis Villani. The troops are driven from Porta Comasina, but the attacking party, too weak to keep the position, are obliged to retire. From 8 at night till 4 in the morning a tremendous firing was kept up in every part of the suburbs, more particularly at Porta Cruova, but without any marked success on either side, the troops being unable to force any of the barricades. The firing suddenly ceased, and at 5 o'clock, just as the day was beginning to break, two political

prisoners arrived at the Municipality, bringing the information that the troops had abandoned the castle, and were in full retreat in all directions. This news flew through the town like wildfire, when every house was illuminated. Crowds of peasants, armed in all sorts of ways, flocked into the town, a moveable guard was instantly formed, armed with musketry, and sent out to harass the troops on their retreat. The roads are broken up, and trees cut down and thrown across them, so as to render it impossible for cavalry, artillery, and the waggon train to proceed. During this day it has been discovered that the greatest cruelties have been committed by the Croats, whole families of women and children, in different parts of the suburbs, having been found murdered and mutilated by them in the most shocking manner. It is impossible at present to give anything like an approximate number of killed and wounded in the conflicts during the last five days. In consequence of the stringest orders and well-organized system of the Provisional Government (a title which the municipality have now assumed), the greatest tranquillity prevails. As may be expected, an exuberant feeling of joy at the victory they have gained rendered the Milanese almost delirious. No excess of any kind has been committed; every house has a tricoloured flag, every hat a tricoloured cockade. The barricades since this morning have been strengthened; sentries are placed at each of them, who during this day have preserved order in the crowds that passed them, and at night strictly demand the pass-word. At the moment I write, now 10 o'clock at night, all is still, the people having mostly retired to their houses.

The above statement, my Lord, is, I trust, substantially correct; yet some inaccuracies may be proved hereafter, which I am convinced your Lordship will kindly overlook, considering the state of things during such an unexampled revolution.

I remain, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

(*Inclosure 1.*)—*The French Consul at Milan to Vice-Consul Campbell.*

MONSIEUR ET CHER COLLEAGUE,

Milan, le 19 Mars, 1848.

ON paraît craindre un bombardement, et on désire, dans l'intérêt de l'humanité, que le Corps Consulaire résidant à Milan proteste contre un acte aussi sauvage, s'il est vrai qu'il en est question.

Monsieur le Consul-Général de Suisse et moi nous avons promis aux membres de la municipalité réunis chez M. le Comte C. Taverna, de nous joindre à vous pour rédiger et signer, s'il y a lieu, cette protestation. Je vous prie, en conséquence, de vouloir bien vous réunir chez moi à tous vos collègues pour aviser à ce qu'il y a de

mieux à faire dans l'intérêt de l'humanité et de nos nationaux. La réunion aura lieu aujourd'hui à 5 heures après-midi.

Agréez, &c.

FERD. DENOIS.

(*Inclosure 2.*)—*The Consular Body at Milan to Marshal Radetzky.*

M. LE MARÉCHAL,

Milan, le 20 Mars, 1848.

ON nous dit que l'autorité militaire a fait menacer la ville d'un bombardement. Si, ce que nous ne pouvons croire, cette mesure extrême devait être adoptée à l'égard d'une ville de 160,000 âmes, et où réside un si grand nombre de nos compatriotes, nous nous verrions obligés, Monsieur le Maréchal, de protester auprès de votre Excellence au nom de nos Gouvernements contre un acte pareil. Dans tous les cas, nous comptons assez sur votre justice et votre humanité pour espérer que votre Excellence nous fera les avertissements et nous accordera les délais nécessaires pour pouvoir mettre nos nationaux et leurs propriétés à l'abri des dangers auxquels ils pourraient se trouver exposés ; ainsi qu'on le ferait sans aucun doute en cas semblable des sujets Autrichiens dans nos pays respectifs.

CHEV. P. DEANGELI.

LE BARON DENOIS.

ROBERT CAMPBELL.

AMY REYMOND.

B. VALERIO.

(*Inclosure 3.*)—*Marshal Radetzky to the Consular Body.*

MESSIEURS, Milan, le 20 Mars, 1848, à 11 heures avant midi.

J'ACCUSE la reçue de la dépêche de Messieurs les Consuls d'Angleterre, de France, de Sardaigne, de Belgique, et de la Suisse, dans laquelle ils manifestent leur désir de ne pas me voir prendre des mesures qui ne pourraient manquer de devenir funestes pour la ville de Milan, et pour lesquelles ils demanderaient au moins un délai qui leur permit de pourvoir à la sûreté de leurs compatriotes.

Le Gouvernement de Sa Majesté l'Empereur et les troupes sous mon commandement ont été attaqués à l'improviste d'une manière contraire à tout droit des gens, sans que de leur côté il n'y ait eu provocation quelconque. On a commencé par piller et saccager l'hôtel du Gouvernement, et par surprendre et tuer partie de la faible garde qui y était postée, par s'assurer de la personne du chef de ce Gouvernement, exigeant de lui des concessions auxquelles il n'est pas dans son pouvoir de souscrire, et qui n'appartiennent qu'au Souverain. Vous concevez, Messieurs, qu'en homme d'honneur et soldat, je ne pourrai jamais compromettre ni l'un ni l'autre, ainsi que mes devoirs envers mon Souverain.

Il dépend, Messieurs, de votre influence sur les chefs du mouvement révolutionnaire, si vous pouvez les décider à s'abstenir de toute mesure hostile ; car aussi longtemps que je serai attaqué, que mes soldats seront tués sous mes yeux, je me défendrai avec le courage que surtout leur inspire la manière dont ils se sont trouvés assaillis, et à moi le sentiment de l'odieuse surprise dont on s'est servi envers eux.

A tout événement, par respect pour les Gouvernements dont vous vous êtes faits l'organe, je suspendrai les mesures sévères que je me crois obligé de prendre contre Milan jusqu'à demain 21, à condition que toute hostilité jusque là cessera de la partie adverse.

J'attends les résultats des démarches que votre intervention pourra amener, pour prendre mes mesures en conséquence.

RADETZKY.

(Inclosure 4.)—*The Consular Body to Marshal Radetzky.*

M. LE MARÉCHAL, *Milan, le 20 Mars, 1848, à 5 heures du soir.*

LES Consuls soussignés s'empressent d'accuser à votre Excellence la réception de la dépêche qu'elle leur a fait l'honneur de leur adresser ce matin, et de la remercier des dispositions bienveillantes qu'elle exprime au sujet des demandes dont ils se sont faits l'organe.

Votre Excellence leur annonçant qu'elle attend le résultat des démarches que leur intervention pourra amener, ils se sont mis en communication avec les autorités municipales pour leur donner connaissance de votre dépêche. Comme il serait long et difficile de reproduire par correspondance la conversation qu'ils viennent d'avoir avec elles, et qui leur semble de nature à vous édifier d'une manière exacte sur les faits qui ont eu lieu et sur l'état des choses, ils doivent prier votre Excellence de bien vouloir les recevoir, de fixer l'heure à laquelle ils pourront se présenter au Château, et donner pour cela les dispositions nécessaires.

Le Consul-Général de Rome n'étant pas nommé dans la réponse de votre Excellence, désirerait, avant de se présenter accompagné de ses collègues, être informé si c'est par simple oubli que cela a eu lieu.

Les Soussignés, &c.

CHEV. P. DEANGELI.
DE DENOIS.
ROBERT CAMPBELL.
REYMOND.
VALERIO.

(Inclosure 5.)—*Marshal Radetzky to the Consular Body.*

MESSIEURS, *Milan, le 20 Mars, 1848, à 2 heures et $\frac{1}{2}$ du matin.*

EN réponse à la lettre que j'ai eu l'honneur de vous adresser, puisque vous témoignez désirer une entrevue, j'ai l'honneur de vous

prévenir que je serai flatté de vous voir au Château ce matin à 7 heures. Quant à Monsieur le Consul de Rome, ce n'est qu'une méprise qui a causé cet oubli.

Agréez, &c.

RADETZKY.

(Inclosure 6.)—*Minute of Interview between the Consular Body at Milan and Marshal Radetzky.*

M. LE MARÉCHAL RADETZKY, après avoir témoigné les meilleures intentions pour épargner la ville, éviter toute ultérieure effusion de sang, et gagner un temps nécessaire pour communiquer ensemble,—

Propose de cesser toute hostilité des deux côtés et de s'abstenir de toute démonstration pendant 3 jours, qui commenceraient le 21 Mars à 4 heures du soir.

Le Maréchal comprenant que les autorités municipales n'ont qu'une autorité naturellement limitée par la force des circonstances, ne considérerait pas comme acte d'hostilité quelques coups de fusil isolés que pourraient être tirés malgré les démarches loyales que pourraient faire les autorités municipales pour les empêcher, et la même réciprocité est demandée par lui.

Le Maréchal s'engagerait dès la susdite heure à permettre l'entrée et la sortie des personnes portant des vivres et à laisser passer les postes et courriers et les personnes qui voudraient s'en aller pendant ces 3 jours sans y mettre obstacle, se réservant d'empêcher l'entrée en ville de la population des campagnes, et plus particulièrement des personnes armées.

Le Maréchal a averti le Corps Consulaire qu'il a été informé que les détenus de la maison de correction manquaient de vivres.

Il a déclaré sur la demande des Consuls, qu'il était prêt à entrer en relations directes et amicales avec les autorités municipales.

CHEV. P. DEANGELI.

LE BARON DENOIS.

ROBERT CAMPBELL.

AMY REYMOND.

B. VALERIO.

(Inclosure 7.)—*The Consular Body to Marshal Radetzky.*

M. LE MARÉCHAL,

Milan, le 21 Mars, 1848.

Nous avons le regret d'annoncer à votre Excellence que la suspension d'hostilité que, sur la demande que nous vous avons faite dans notre entrevue de ce matin, vous nous aviez chargé de proposer à l'autorité municipale de la ville de Milan, n'a pas été acceptée. Les membres composant la municipalité, après nous avoir demandé de délibérer sur les propositions que nous leur avons apportées de notre part, viennent de nous faire connaître cette détermination.

Nous avons l'honneur d'envoyer ci-joint à votre Excellence copie de leur réponse.

Dans cet état de choses, après les manifestations si touchantes d'humanité que votre excellence a bien voulu nous faire, et dont nous aimons à prendre acte, nous espérons que la mesure qu'elle pourrait prendre ne sera pas de nature à compromettre l'existence et les propriétés de nos nationaux à Milan ; s'il en était autrement, nous serions nous-mêmes dans le cas de réclamer l'exécution de sa promesse de ce matin de nous accorder les délais et les moyens nécessaires pour les mettre en sûreté. Nous vous proposerions de protéger leur sortie de la ville en les accompagnant en corps jusqu'à une des portes, et nous demanderions en outre à votre Excellence des sauvegardes écrites pour nos habitations et pour nos Chancelleries Consulaires.

CHEV. P. DEANGELI.
LE BARON DENOIS.
ROBERT CAMPBELL.
AMY REYMOND.
B. VALERIO.

(Inclosure 8.)—*The Consular Body to Marshal Radetzky.*

M. LE MARECHAL,

Milan, le 22 Mars, 1848.

DES parens de plusieurs personnes qui se trouvent prisonniers au Château croyant savoir qu'elles y sont fort mal traitées, et ayant appris que nous avons l'honneur d'être en communication avec votre Excellence, sont venues prier le Corps Consulaire de faire une démarche collective auprès de vous pour vous les recommander. Nous avons accepté, sans hésiter, cette mission d'humanité, et nous espérons que votre Excellence, qui a manifesté hier à nous-mêmes des dispositions si conciliantes, voudra bien avoir égard à notre intervention. C'est un devoir pour nous d'ajouter qu'il est à notre connaissance que les prisonniers qui sont entre les mains des autorités municipales sont parfaitement bien traités par elles, et l'officier Autrichien qui est chargé de vous porter cette lettre pourra vous le confirmer par sa propre expérience.

Dans l'attente d'une réponse favorable, nous avons l'honneur, &c.

CHEV. P. DEANGELI.
LE BARON DENOIS.
ROBERT CAMPBELL.
AMY REYMOND.
B. VALERIO.

P.S.—Nous recevons à l'instant la lettre ci-jointe de M. le Comte Marc Greppi, dont nous ne pouvons que vous recommander également l'objet. Nous prions votre Excellence de vouloir bien nous faire connaître aussi ses intentions à cet égard.

(*Inclosure 9.*)—*Count Walmoden to the French Consul.*

M. LE BARON,

Château de Milan, 24 Mars, 1848.

EN réponse à la lettre que vous avez adressée à M. le Maréchal, j'ai été chargé par lui de vous expliquer comment les circonstances du moment ont amené le peu de soin qu'on a pu donner aux prisonniers dont votre lettre fait mention.

Renfermés comme nous étions ici avec une masse de troupes dans un local étroit, qui n'admet aucune commodité, le manque de moyens dans les premiers jours n'a pas permis de satisfaire à ce qu'ils pourraient désirer, ce qui est dû aux circonstances du moment et non à la volonté du Maréchal : la preuve en est la facilité avec laquelle il a cédé aux instances qui lui ont été adressées par les Comte Greppi et Litta. Voilà, M. le Baron, tout ce que je puis répondre au sujet qui a motivé votre lettre.

WALMODEN.

No. 167.—Lord Napier to Viscount Palmerston.—(Rec. March 30.)

MY LORD,

Naples, March 14, 1848.

I HAVE the honour to acquaint your Lordship that a serious disorder occurred yesterday among the lower orders, which may be traced to the lawless conduct of the Radical party in respect to the expulsion of the Jesuits.

It was rumoured among the common people that the Liberals intended to continue their attacks on the priesthood, and meditated the banishment of the Carmelites, and this report caused great anger among the people, who at an early hour assembled at the church of the Madonna del Carmine, of high reputation for sanctity and miracles.

Being joined by reinforcements from several ancient quarters of the city, and having filled their pouches with stones from the beach, the multitude marched towards the Largo del Castello, in the vicinity of the palace, with religious flags and shouts in favour of the Virgin and the King, maltreating all well-dressed persons as they went along. During their progress they were attacked by the national guards, and several were arrested. At the Largo del Castello the Swiss fired over their heads, and they were charged with the bayonet by the municipal force. About 8 men are said to have been killed at various parts of the town, and several were wounded and carried off to prison.

This tumult is ascribed by the Radical faction to the intrigues and inspiration of the Ministry and the Court, but probably falsely. It was most likely a natural reaction on the part of the simple and superstitious Lazzaroni against the Radicals, in whom they see the enemies of the Crown and religion. It was a demonstration of the

"Santa Fede," and it may be hoped will recall the violent Liberal party to a sense of their duty to the constitution and the laws.

The Government, stimulated by these repeated violations of public tranquillity, published last night the inclosed Riot Act, which, if carried into operation, will maintain good order.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

(Inclosure.)—*Decree of the King of Naples for the Prevention of Tumultuous Assemblies.*—*Naples, March 13, 1848.*

WE, FERDINAND II, &c.

(Translation.)

HAVING seen the report of the commander-in-chief of the national guard of this day's date, as well as that of the military governor of the town of the same date, demanding prompt repressive measures for the maintenance of the public peace and the existing political regime;

Having seen the 140 and 142 Articles of the penal laws;

Considering that to ensure the execution of the laws provisionally in force, it is necessary to adopt energetic means which are recognised by the existing regulations and not at variance with constitutional institutions;

Considering that although every citizen enjoys the right of petition, yet that it must be exercised in writing and according to legal forms;

Considering that for some days past, and especially to-day, it has been attempted to exercise this right by means of numerous assemblages, acts of violence, printed placards, and seditious manifestoes derogatory to the respect due to religion and dangerous to the welfare of the State;

Considering that prudence requires the adoption of those preventive measures which are admissible in all constitutional Governments so as to prevent the recurrence of such disorders;

Considering that the public desire manifested by petitions and by deputations calls for prompt measures of prevention for the maintenance of the constitutional system;

On the proposition of our Minister Secretary of State of Grace and Justice, having consulted our Council of Ministers, have resolved to decree, and do decree as follows:

ART. I. It is forbidden to present petitions in an unconstitutional form.

II. Should the illegality of any petition prove an infraction of the laws provisionally in force, such infraction shall be punished according to the tenor of the same by the regular magistrates.

III. Should an illegal assemblage take place, it shall be called

upon to disperse 3 times by the municipal authorities, accompanied by an officer of the regular or judicial police, who shall be surrounded by a detachment of the national guards or of other troops, by the sound of the drum or trumpet.

IV. After being 3 times called upon, should they not disperse, it shall be lawful to make use of the public force to effect their dispersion.

V. Our Ministers of the Interior, Grace and Justice, and of War are charged with the execution of the present decree, each in their respective offices.

Naples, March 13, 1848.

FERDINAND.

DUKE OF SERRA CAPRIOLA, *Minister Secretary of State,*

President of the Council of Ministers.

MARCARELLI, *Minister Secretary of State for Grace and Justice.*

No. 168.—*Lord Napier to Viscount Palmerston.*—(*Rec. March 30.*)
MY LORD, *Naples, March 14, 1848.*

I HAVE the honour to submit to your Lordship herewith copy of a note which I have received from his Excellency the Prince of Cariati, stating that the Neapolitan Government intended to convey the members of the Order of the Jesuits, expelled from this capital, to Malta.

I trust that I have acted in conformity with the wishes of Her Majesty's Government in unhesitatingly signing the passports of those unfortunate persons, and in addressing the accompanying letter to the Governor of Malta in their behalf.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

(*Inclosure 1.*)—*Prince Cariati to Lord Napier.*

(Translation.)

Naples, March 13, 1848.

THE Undersigned has the honour to inform Lord Napier that the Jesuits resident here having expressed a wish to go to Malta, the Government of His Majesty, in compliance with their desire, have hired the steamer *Vesuvio*, giving orders to her commander to take them to that island, and to treat them in every respect as first-class passengers. This Government has at the same time placed the sum of 2,000 ducats in the hands of the captain to supply their wants, and has desired the Neapolitan Consul at Malta to furnish them with 1,000 more should it be required. It has also given orders to grant them the necessary passports, that they may be enabled to go to any other country which they may select.

The Undersigned begs Lord Napier to inform the British Govern-

ment of that island, of these measures, that they may lend their co-operation to carry them into effect.

The Undersigned, &c.

For the Minister,

Lord Napier.

E. TARGIONI.

(*Inclosure 2.*)—*Lord Napier to the Governor of Malta.*

SIR,

Naples, March 13, 1848.

I HAVE the honour to acquaint your Excellency that the Neapolitan Government, yielding to a popular clamour, have consented to the expulsion of the Jesuits from this capital.

Their banishment, which is disguised under the pretext of a voluntary departure, has been accompanied by circumstances of peculiar hardship; and in the present temper of public feeling it would be imprudent for them to take refuge in any of the adjoining States of Italy.

Under these circumstances, the Government of His Sicilian Majesty have determined to convey the members of this persecuted order to Malta, in the hope that they will find under your authority that asylum which is never denied by Her Majesty's Government to any class or colour of political refugees.

I have been assured that the Order of the Jesuits is not generally esteemed at Malta, and I am sensible that so large an increase of their number may not be in all respects desirable, yet I feel that I should be deviating from the principles of impartial toleration which distinguish Her Majesty's Government if I did not grant them the usual facilities of passport, and recommend them to your Excellency's protection and good offices.

The Neapolitan Government have engaged the steam-vessel *Vesuvio* for the accommodation of the Jesuits, and have placed in the hands of the captain the sum of 2,000 ducats for their entertainment and relief, to which an additional sum of 1,000 ducats has been added for their subsequent assistance, should they require it, which will be remitted to the Neapolitan Consul at Malta.

I have the honour to inclose to your Excellency a list of the names of the Jesuits, as they appear on their passports, signed by Her Majesty's Legation, to the number of 114. And I believe that it is their intention to disperse, and return, as opportunity may offer, to their several places of birth or previous residence; but I have not thought it necessary to insist on their profession being specified in their respective passports, which might perhaps expose them afterwards to molestation.

I have, &c.

The Governor of Malta.

NAPIER.

No. 169.—Lord Napier to Viscount Palmerston.—(Rec. March 30.)
 MY LORD, *Naples, March 14, 1848.*

I HAVE the honour to submit to your Lordship herewith copy and translation of the provisional law for the formation of the national guard, which will comprise all persons possessing property and exercising trades who can afford to purchase their uniforms, and whose good character gives a guarantee for their ability to serve as guardians of the public peace.

The roll of the national guards will be framed by the syndic and 4 councillors in every commune of the kingdom.

This temporary statute will have to be authorized or modified by Parliament.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 170.—Lord Napier to Viscount Palmerston.—(Rec. March 30.)
 MY LORD, *Naples, March 15, 1848.*

I HAVE the honour to submit to your Lordship herewith copy of a note which I have addressed to the Neapolitan Minister for Foreign Affairs relative to the modification of the national flag lately adopted, and of Prince Cariati's reply, stating that the old national ensign is not discarded, but that the three-coloured pendant is added to it.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

(Inclosure 1.)—Lord Napier to the Duke of Serra Capriola.

Naples, February 29, 1848.

THE Undersigned, &c., has the honour to transmit to his Excellency the Duke of Serra Capriola the accompanying copy of a letter from Vice-Admiral Sir William Parker, stating that the Neapolitan vessels of war have lately exhibited the national ensign surmounted by a three-coloured pendant; and the Undersigned begs his Excellency the Duke of Serra Capriola will have the goodness to acquaint him, for the information of the Vice-Admiral, whether it is the desire of the Neapolitan Government that Her Britannic Majesty's vessels of war should, in hoisting the Neapolitan colours on occasions of ceremony or otherwise, display the above-mentioned three-coloured flag along with the old ensign of this kingdom, and whether this new combination is to be regarded as forming henceforward the national colours.

His Excellency Sir William Parker, in his anxiety to act in strict conformity with the gracious will of His Sicilian Majesty in this matter, has already applied to the Department of Marine on the subject, but without receiving a satisfactory reply.

The Undersigned, &c.

The Duke of Serra Capriola.

NAPIER.

(*Inclosure 2.*)—*Vice-Admiral Sir W. Parker to Lord Napier.*

MY LORD,

Hibernia, *Naples Bay*, February 29, 1848.

HAVING observed that since the Neapolitan Constitution was confirmed on the 24th instant, all the Neapolitan ships of war and fortresses wear a tricolour pendant of green, white, and red, horizontally divided over the Neapolitan colours, and supposing that it will be acceptable to the Government that the same symbol should be displayed by Her Majesty's ships with the Neapolitan colours whenever they may be hoisted on any occasion of salute or compliment, I beg the favour of your Lordship to ascertain what the feelings of the Government may be on this subject, that similar colours may be prepared for display by Her Majesty's ships if not unacceptable.

I have, &c.

Lord Napier.

W. PARKER.

(*Inclosure 3.*)—*Prince Cariata to Lord Napier.*

(Translation.)

Naples, March 11, 1848.

THE Undersigned, in reply to the note of Lord Napier, &c. of the 29th ultimo, has the honour to inform him that at present it is not the intention of the Neapolitan Government to alter the ancient ensign of the kingdom; and that it has only been decided to add to it the pendant of which mention is made in the above-mentioned note and in the letter addressed to Lord Napier by Vice-Admiral Parker.

The Undersigned, &c.

For the Minister,

Lord Napier.

E. TARGIONI.

No. 173.—*Viscount Palmerston to Viscount Ponsonby.*

MY LORD,

Foreign Office, March 31, 1848.

WITH reference to your Excellency's despatch of the 20th instant, reporting what passed between you and Count Ficquelmont on that day, I have to instruct your Excellency to assure Count Ficquelmont that he is quite mistaken in supposing that it is the British Government or British diplomatists who have excited angry feelings towards Austria in the minds of the people of Italy. Those angry feelings, it is well known, have long existed, and, whether well or ill-founded, spring from causes wholly independent of British diplomacy; and as these feelings take their origin from sources with which British diplomacy has nothing to do, so also can British diplomacy exercise no effective influence in putting an end to those feelings.

It is, however, the less surprising that Count Ficquelmont should be misinformed on this matter, considering how mistaken he seems

to have been in his opinion as to the supposed contentment of the people of Lombardy and of Venice. I am, &c.

H.E. Viscount Ponsonby.

PALMERSTON.

No. 176.—Sir G. Hamilton to Viscount Palmerston.—(Rec. April 1.)

MY LORD,

Florence, March 24, 1848.

SINCE I had the honour of addressing your Lordship on the 22nd instant the revolutions at Parma and Modena have been completed, and the Sovereigns of both States have fled.

On the first news of the Modenese revolution, 2,000 civic guards marched from Bologna into the Modenese territory; and yesterday evening I received a note from Don Neri Corsini, Marquis of Layatico, the new Minister for Foreign Affairs, and who had arrived only yesterday morning from Rome, inclosing a proclamation of the Grand Duke, stating that in consequence of the political events in the city of Modena, and other places in the duchy, he had come to the determination of provisionally occupying parts of the Duchy of Modena, in order that quiet and security in his own dominions might not be compromised.

I have the honour to inclose herewith a copy of Don Neri's note to me, as well as the proclamation, in original and translation, for your Lordship's information.

I was informed this morning, from Leghorn, that 1,200 men of the civic guards and 300 troops of the line have marched to the frontier, animated with the greatest enthusiasm; and they have been joined at Pisa by the armed students and the civic guard. Another party of civic guards and volunteers left Florence yesterday for the frontier, so that the Tuscan force in the Duchy of Modena will be very considerable.

At Parma the Duke issued a proclamation, stating that it was his intention to absent himself, with his family, from his States, and appointing a Regency, who would grant all the reforms required by the necessity of the times.

I believe that much blood has been shed, but I am not enabled to give your Lordship any authentic details on this subject. I understand that the Duke showed much personal courage; that 6 shots were fired at him, and one went through his hat.

At Rome the populace have pulled down the Austrian arms from the Ambassador's palace; they were dragged through the streets, then burnt, as well as every other Austrian symbol in the city.

The Baron Nenmann left Modena with the Duke, who retired with the Modenese and Austrian troops and the military chest.

At Massa and Carrara the Modenese troops delivered up their

arms, and the inhabitants of those places are desirous of forming part of the Tuscan dominions.

The Grand Duke pays the civic guards and volunteers who have gone on this expedition a paul per day each, in addition to the rations given to the troops of the line when on foreign service.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure 1.)—*Don Neri Corsini to Sir G. Hamilton.*

Florence, le 23 Mars, 1848.

LE Soussigné, Ministre Secrétaire d'Etat pour les Affaires Etrangères, a l'honneur de transmettre à son Excellence Sir George Baillie Hamilton, Ministre Plénipotentiaire de Sa Majesté Britannique en Toscane, 2 exemplaires d'un motuproprio de Son Altesse Impériale et Royale Monseigneur le Grand Duc, concernant les circonstances qui ont rendu nécessaire de faire occuper provisoirement par les troupes et les milices Toscanes une partie des territoires Modenais.

La teneur de cette publication et les événements bien connus qui ont eu lieu à Modène rendant inutile pour le Soussigné d'entrer dans d'autres explications à ce sujet, il profite, &c.

Sir George Hamilton.

N. CORSINI.

(Inclosure 2.)—*Proclamation of the Grand Duke of Tuscany for the occupation of Modena.*

(Translation.)

WE, LEOPOLD II, &c.

Florence, March 22, 1848.

CONSIDERING that the quiet and security of our dominions might be compromised by the disorders which, after the political events of Modena, and other towns of that duchy, might be manifested in the territories of Este, which, on the side of the Duchy of Lucca and of Pietrasanta, are on the confines of the Grand Duchy, and that for this reason it is our duty to prevent the evils which might result from them;

We are come to the determination of providing, with this view, that the territories of Este, above-mentioned, may be occupied provisionally, and retained in a line of simple garrison by the troops of the Grand Duchy.

We declare, moreover, that, saving the inconvenience of lodging for the same troops, to be afforded to them, according to military regulations, by the inhabitants of the places to be occupied, in consideration of the succour which the said troops will yield on every emergency for the maintenance of public tranquillity in the said

places, all the other expenses relatively will remain at the charge of Tuscany.

The Minister of War will give the dispositions and necessary arrangements for the execution of this our determination.

CEMPINI.

LEOPOLDO.

BALDASSERONI.

No. 181.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received April 3.)

(Extract.)

Turin, March 29, 1848.

THE Marquis Carlo d'Adda has arrived at Turin as the accredited Agent from the Provisional Government of Lombardy to the Government of His Sardinian Majesty.

No. 182.—*The Provisional Government of Milan to the King of Sardinia.*—(Communicated to Viscount Palmerston by Count Revel, April 3.)

(Translation.)

Provisional Government of Milan.

SACRED MAJESTY!

Milan, March 23, 1848.

WE have vanquished the enemy who occupied the city. He left the Castle last night, and marched towards Verona, but he is not yet far from the capital, and is marking every step with slaughter and plunder. Our citizens have made heroic efforts, and with very few means they have repulsed the pride of an enemy confident in his strength. Our country cannot get together disciplined forces and artillery in so short a time; we had already invoked the aid of your Majesty's arms, while we fought in our streets, ready to encounter a second mine for the cause of Italy. Although the city is now free, the ready and powerful help of your Majesty is not less important.

The Provisional Government, therefore, strongly urges your Majesty to hasten to help us by every means. Your Majesty will thus be a benefactor to the sacred cause of Italian independence and brotherhood, and will surely obtain the applause and gratitude of this people. We would willingly add more, but our position as a Provisional Government does not allow us to anticipate the wishes of the nation, which are without doubt all directed to the furtherance of the cause of union in Italy.

The Provisional Government:

A. GUERRIERI.

CASSALI.

MARCO GREPPI.

P. LITTA.

A. DERETTI.

V. BORROMEO.

STRIGELLI.

GIUS DURINI.

No. 183.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received April 4.)

MY LORD,

Turin, March 30, 1848.

I HAVE the honour to inclose herewith to your Lordship copy of a note which I received yesterday from the Marquis Pareto, informing me that the commanders of His Sardinian Majesty's ships have received orders to abstain from all acts of hostility against Austrian vessels of war and merchantmen, and that no letters of marque would be granted by the Government of His Majesty.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—*The Marquis Pareto to the Hon. R. Abercromby.*

Turin, le 29 Mars, 1848.

PAR sa note du 23 de ce mois, le Soussigné, Ministre Secrétaire d'Etat pour les Affaires Etrangères, a eu l'honneur de faire connaître à Mr. Abercromby, &c., les justes et puissantes considérations qui ont déterminé le Gouvernement du Roi à intervenir en Lombardie; il s'empresse maintenant de compléter cette communication en informant Mr. Abercromby que l'ordre vient d'être donné aux commandants des navires de l'Etat de laisser librement naviguer les bâtimens marchands portant pavillon Autrichien qu'ils seraient dans le cas de rencontrer, et qu'aucune lettre de marque ne sera non plus délivrée, le Gouvernement de Sa Majesté étant bien décidé à s'abstenir de tout acte qui, par sa nature, s'écarterait du noble caractère de la guerre qu'il vient d'entreprendre principalement par devoir d'humanité et de nationalité.

Les commandants des navires de la Marine Royale ont aussi reçu l'ordre de ne se porter à aucun acte d'hostilité contre les bâtimens de guerre Autrichiens, sauf qu'ils n'y soient provoqués par ceux-ci.

En priant Mr. Abercromby de faire parvenir ces dispositions à la connaissance de son Gouvernement.

Le Soussigné, &c.

L. N. PARETO.

No. 189.—*Consul-General Dawkins to Viscount Palmerston.*

(Received April 3.)

(Extract.)

Venice, March 23, 1848.

I HAVE the honour to inclose a copy of a proclamation published last night by the Provisional authorities of Venice, together with a copy of a Convention entered into between those authorities and the Military Governor-General Zichy, stipulating the evacuation of Venice by the German troops. A portion of these troops (the regiment of Kinsky) and a brigadier-general, refused to adhere to this Convention, but some gunboats being brought up from the arsenal this afternoon, and placed in front of their barracks, these troops,

finding further resistance hopeless, consented to yield. They are to be forthwith transported to Trieste.

I am happy to say no disturbance occurred last night; the people and the Italian soldiers, who have all adopted the tricoloured cockade, crying "Long live the Republic! Long live St. Mark!" The Imperial eagle has been everywhere defaced, or is being replaced by the winged lion of St. Mark. It is said that the Republic has been proclaimed at Bassano, Treviso, and other towns, and the country people are represented as rising to a man against the Austrians, but we are up to this moment without any accurate information from the mainland. It is believed that the whole of the Austrian fleet, which is almost entirely manned by Dalmatians and Venetians, will join the Republic.

The gentleman who proclaimed the Republic in the square of St. Mark's was Signor Manin, the same who is now the President of the Provisional Government. This Government has been acknowledged by the Consul of the United States and by the Vice-Consul of France.

Although order has hitherto been preserved, I fear it is too probable that the self-constituted authorities may be unable to maintain it, supposing no attempt to be made by the Austrian forces to retake the town.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure 1.)—*Proclamation of the Provisional Authorities of Venice.*
(Translation.)

CITIZENS!

Venice, March 22, 1848.

VICTORY is ours, and without bloodshed. The Austrian Government, civil and military, has fallen. Glory to our brave civic guard! Your fellow-citizens, undersigned, have concluded a solemn Convention.

A Provisional Government shall be instituted; and in the meantime, from the necessity of the moment, the undersigned Contracting Parties have found it necessary to assume the Government temporarily. The Convention is published in a supplement to our Gazette.

Long live Venice! Long live Italy!

GIOVANNI CORRER.

LUIGI MICHIEL.

DATAICO MEDIN.

PIETRO FABRIS.

GIO. FRANCESCO AVESANI,

ANGELO MENGALDO.

LEONE PINCHERLE.

(Inclosure 2.)—*Convention between the Provisional Authorities and the Military Government of Venice.*

(Translation.)

IN order to avoid the effusion of blood, his Excellency Count Luigi Palffy, Governor of the Venetian Provinces, having heard from his Excellency Count Giovanni Correr, Podestà of Venice, and from the municipal assessors and other citizens deputed for the purpose, that it is not possible to effect that object without acceding to what is stipulated below, in the act of resigning his functions, as he hereby does resign them, into the hands of his Excellency Count Ferdinand Zichy, Commandant of the city and fortress, has warmly recommended to the said Commandant that he should respect this beautiful monumental city, towards which he has always professed the strongest affection and the most sincere attachment, which it pleases him again to repeat. In consequence of which, Count Zichy, being urged by the force of circumstances, and at the same time penetrated by a desire of avoiding useless bloodshed, has agreed to conclude the following Articles between himself and the Undersigned :

ART. I. The civil and military Government ceases, both by land and sea, and is delivered into the hands of the Provisional Government about to be instituted, which is for the moment assumed by the undersigned citizens.

II. The troops of the regiment of Kinsky, and those of the Croats, the land artillery, and the corps of engineers, shall leave the city and all the forts, and all the Italian troops and Italian officers shall remain in Venice.

III. Munitions of war of all kinds shall remain in Venice.

IV. The transport of the troops shall take place immediately by sea, through Trieste, by every means possible.

V. The families of the officers and soldiers about to depart shall be protected, and means of transport shall be procured for them by the Government about to be formed.

VI. All the civil functionaries, Italian and non-Italian, shall be protected in their persons, families, and property.

VII. His Excellency Count Zichy gives his word of honour to remain the last in Venice, in order to guarantee the execution of what is agreed to above. A steamer shall be placed at his Excellency's disposition for the conveyance of himself and his suite, and of the last soldiers who remain.

VIII. As all the public chests are to remain here, the only money issued shall be what is demanded for the pay and conveyance of the above-mentioned troops. Three months' pay shall be issued

Original drawn up in duplicate.

(L.S.) COUNT ZICHY,	(L.S.) GIOVANNI CORRER.
<i>Lieutenant-Marshal Com-</i>	(L.S.) LUIGI MICHIEL.
<i>mandant of the City</i>	(L.S.) DATAICO MEDIN.
<i>and Fortress.</i>	(L.S.) PIETRO FABRIS.
	(L.S.) GIO. FRANCESCO AVESANI.
	(L.S.) ANGELO MENGALDO,
	<i>Commander.</i>
	(L.S.) LEONE PINCHERLE.

DR. FRANCESCO BELTRAMI, *Witness.*

ANTONIO MUZANI, *Witness.*

COSTANTINO ALBERTI, *Witness.*

No. 192.—*Consul-General Dawkins to Viscount Palmerston.*

(Received April 3.)

(Extract.) *Venice, March 24, 1848.*

I TRANSMIT to your Lordship a copy of the circular letter which I yesterday addressed to the captains of British merchant vessels in this port.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—*Consul-General Dawkins to the Captains of British Merchant Vessels in Venice.*

SIR, *Venice, March 23, 1848.*

IN the present state of affairs in Venice, it is highly desirable that Her Majesty's subjects should take no part whatever between the contending parties, and I have accordingly to request that you will desire your crew to abstain from all interference whatever.

CLINTON G. DAWKINS.

P.S.—It is desirable that British vessels should keep their colours flying.

No. 196.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. April 4.)

MY LORD, *Florence, March 28, 1848.*

I HAVE the honour to transmit a despatch from Mr. Petre, stating the effect produced at Rome by the news of a revolution at Vienna and insurrection in Lombardy.

A public notice was issued at Florence to illuminate the houses in celebration of the Austrians having been beaten out of Milan, and because a Piedmontese army was in full march to make a conquest of Lombardy.

I considered it my duty to refuse to comply with this requisition, informing the Tuscan Government that I held it responsible for the

safety of Her Majesty's Legation, and I am happy to inform your Lordship that no one dared to offer any insult to Her Majesty's arms, for the protection of which the Government used proper precautions.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 198.—Viscount Palmerston to Consul-General Dawkins.

SIR,

Foreign Office, April 5, 1848.

WITH reference to your despatch of the 24th ultimo, inclosing copies of the official Gazette of Venice, containing a list of the members of the Provisional Government of Venice, but stating that no formal announcement had been made to you or to the Consular Body at Venice of the formation of that Government; I have to instruct you to continue to carry on with the Provisional Government all communications which may be required for the interests of the public service; explaining that by doing so you do not prejudge in any way the decision which the British Government may come to, as to acknowledging such Government as may be permanently established at Venice, either Austrian or Italian.

I am, &c.

Consul-General Dawkins.

PALMERSTON.

No. 199.—Viscount Palmerston to Consul-General Dawkins.

SIR,

Foreign Office, April 5, 1848.

I HAVE to instruct you, if occasion should require it, strongly but in a friendly manner to represent to the persons in power at Venice, that they would be doing great injury to their cause, and to the character of their country, by acting cruelly or even harshly towards any Austrian subjects who, in the performance of their duty towards their own Sovereign, might fall into the power of the Venetians; but that in all wars the utmost possible respect is shown and the greatest protection is afforded to women and children whom the chances of events may place within the power of the enemies of their husbands, fathers, brothers, or sons. You will say that Her Majesty's Government cannot believe that the Venetians will show themselves in this or in any other respect less generous than the people of other countries in Europe are accustomed to be.

I am, &c.

Consul-General Dawkins.

PALMERSTON.

No. 205.—Lord Napier to Viscount Palmerston.—(Rec. April 6.)
(Extract.)

Naples, March 27, 1848.

A GREAT crowd of people of the better class assembled yesterday in front of the palace and selected a deputation, who having obtained an audience of His Sicilian Majesty, demanded leave to march to the assistance of their brethren in Lombardy.

The King replied that lists would be opened at the different quarters of the national guard, where all who desired to become volunteers in the patriotic cause might enrol their names, and that they would be armed at the expense of Government and transported to the seat of war in the royal vessels.

Something seems also to have been promised, but indistinctly, for the employment of the national troops, and the inclosed proclamation was issued in the course of the evening, which appears tantamount to a declaration of war against Austria.

Prince Schwarzenberg has informed me, that should he not be obliged to demand his passports on account of the unprovoked and unpunished outrage offered to the Imperial arms, he will do so on account of this proclamation, which is a violation both of the laws of peace and honourable war.

Viscount Palmerston, G.C.B.

NAPIER.

(Inclosure.)—*Proclamation of the Neapolitan Government allowing the Enrolment of Volunteers for Lombardy.*

(Translation.)

Naples, March 26, 1848.

THE Government hereby gives notice to the public, that lists have been opened at the 12 posts of the national guard of this capital, for the enrolment of those brave and patriotic young men who are desirous of forming part of the volunteer corps which is to start for Leghorn by sea, from whence they will proceed into Upper Italy, after having been regularly organized into companies, battalions, and regiments.

For this purpose, the Government has already provided for the arming of these volunteers, and has prepared steamers to convey them to Leghorn.

Notice is also given that the names of all those who shall proceed on this expedition will be made public, and inserted in the official journal.

For the Minister of the Interior,

GIACOMO TOFANO, *Director.*

No. 206.—*Lord Napier to Viscount Palmerston.*—(Rec. April 6.)

MY LORD,

Naples, March 28, 1848.

ABOUT 7 o'clock on the evening of the 25th instant, a body of persons, not of the lowest order, proceeded to the gate of the Austrian Legation, and after venting their rage in insulting cries, tore down the Imperial escutcheon and carried it to an adjoining square, "Largo Capella Vecchia," where it was burned with indignity and acclamation.

The national guard did not arrive until after the first act of the outrage had been perpetrated, but the Imperial arms were burned in the immediate vicinity of a post of the civic force and the Swiss,

who are said to have regarded the act with indifference, if not with encouragement.

Count Chreptowitch, the Envoy of Russia, and the Chargé d'Affaires of Prussia, called upon me, and proposed to frame a collective protest to the Neapolitan Government in respect to this insult offered to the Diplomatic Body in the person of Prince Schwarzenberg.

I replied that I did not think such a measure would be justifiable, unless the Neapolitan Government, by refusing to afford the becoming measure of apology and redress, should identify itself with the conduct of the people; and that before I could join in any representations on the subject, I must be made acquainted with the tenor of the demands of the Austrian Legation and the answer of the Government of His Sicilian Majesty. Count Chreptowitch appeared to recognise the propriety of the course suggested, and consented, in an interview which I had with him on the following morning, to await the result of Prince Schwarzenberg's note.

Prince Schwarzenberg has since received from the Neapolitan Government an expression of apology; but in the absence of all promise of public reparation for such a national indignity, his Excellency has informed me that he will leave this capital to-night, and has requested me to cause him to be furnished with a boat from one of Her Majesty's ships of war to convey him on board the Imperial steam-vessel.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 208.—Lord Napier to Viscount Palmerston.—(Rec. April. 6.)
(Extract.) *Naples, March 28, 1848.*

IN consequence of intelligence received from Palermo of the opening of the Sicilian Parliament on the 25th instant, I called on the President of the projected Ministry, and communicated to his Excellency the substance of the Earl of Minto's letters.

M. Troja expressed his sense of the importance of the moment, and said that the Sicilian affairs should receive the immediate attention of the new Government.

I availed myself of the opportunity to express my sense of the expediency of immediately offering to Prince Schwarzenberg a due measure of redress for the indignity offered to the Imperial arms, and of recalling the manifesto signed by M. Tofano, Director of Police, encouraging volunteers to enlist for the invasion of Lombardy, laying before his Excellency the extremely doubtful nature of the contest in that province, and the wisdom of pursuing a neutral course, especially when there existed no valid cause for war.

Viscount Palmerston, G.C.B.

NAPIER.

No. 214.—*Viscount Ponsonby to Viscount Palmerston.*—(*Rec. April 7.*)
(Extract.) *Vienna, April 2, 1848.*

UNDOUBTEDLY your Lordship has received from Turin intelligence of the military intervention which the King of Sardinia has ordered to be made by his troops in the affairs of Lombardy, &c. The fact was announced here on the 31st of March by the Sardinian Envoy, and on the 1st of April that Minister received his passports from the Imperial Government, and has left Vienna.

It is possible that your Lordship may not have had stated the motives His Sardinian Majesty assigns for his act, and I therefore send you an extract from the instructions of the Sardinian Minister for Foreign Affairs to the Sardinian Envoy here, namely, the danger the King feared from the existence of another republic on the frontiers of his kingdom. Your Lordship will know, first, that a republic had not then been established in Milan; secondly, that the Austrians had obtained such advantages as almost to ensure the re-establishment of their authority in that city.

I had a conversation with Count Ficquelmont, who said that there was nothing left for Austria but war with Sardinia,—that he hoped for victory,—that if the Sardinians were beaten back into their own territories, the Austrians would not pursue them there, as it might be their interest to do under other circumstances than those of the present time.

Count Ficquelmont mentioned that on the 22nd of March the King of Sardinia gave the Austrian Minister the strongest assurances of His Majesty's pacific intentions, and on the 23rd March issued his declaration of military intervention.

Marshal Radetzky has retired towards Verona. The Austrians will reinforce their army, already very large, and there is in this city so much anger against the Italians, that crowds of men have already volunteered to serve with the Austrian army in Lombardy. The popular feeling has been so great that it has prohibited the Italian opera. There are many people, however, who desire the termination of the Italian affair; and a gentleman, one of the leaders of the party who contributed largely to bring about the late revolution at Vienna, called on me on the morning of the 1st, and in the name and by the direction, as he said, of the leaders of that party, requested me to endeavour to obtain an armistice in Lombardy, and a final settlement of the contest; saying that the Lombards would pay to Austria any sum of money that could be demanded as an indemnity for the loss of territory. I replied that I should be most happy to have the power to promote peace.

Your Lordship will not doubt me when I say that I found Count Ficquelmont in a mood that made it impossible for me to treat such

a topic at the moment, and I confined myself to some observations upon the difficulties under which Austria would still be after a victory over the Piedmontese, and after the reconquest of her Italian territories. I mentioned the excess of hate and prejudice which had grown up in the Italian mind against the Austrians; the certainty that such feelings would continue, and would oblige the Austrians to hold Lombardy and the other Italian provinces by means of garrisons in every city and town, and other military force distributed over the whole territory; that the cost of such occupation must be immense; that upon the first occasion the Italians would again revolt; that occasions would necessarily occur again and again whilst France, and Switzerland, and Italy should remain in the political state in which those countries now are; that if it were possible to find means for a complete and amicable settlement with the Italians, it would be a happy thing for Austria.

Count Ficquelmont said that I was in error if I believed that all the Italian population was hostile to the Austrians, that on the contrary, there were large numbers who disapproved greatly of what the Milanese agitators and others had done; that if Austria chose to avail itself of its actual power to raise the peasantry against their superiors, it would have perfect facility in procuring the ruin and destruction of those persons; but, added the Count, "that is a policy I would rather die than adopt."

I have now reported to your Lordship the main points, so far as I know, of the particular question I have touched upon. I am unable to see a remedy for present evils. The intervention of the Piedmontese has complicated things, and may perhaps lead to still greater complications.

I called yesterday upon M. Delacour, the new French Chargé d'Affaires. He informed me that he was directed by his Government to consult with me upon every occasion, for the object of assimilating, as far as possible, the policy of England and France; and then he mentioned to me the project for settling affairs in Lombardy by some pecuniary transaction, as an indemnification to the Austrians for giving up the country.

Your Lordship has heard of the expulsion of the Dukes of Parma and Modena from their territories. That event must contribute to the difficulties of the times.

I presume that the Austrian army will occupy the line of the Mincio, &c. They will, of course, be very strong in such positions, and I do not know where there is a force to drive them from thence or to take their fortresses. The French profess peace. The Hungarians, being now content with what has been done by the Austrian Government, have offered with eagerness to furnish the Imperial

Government with any number of men that can be wished for by that Government. The Croats, &c., have also offered Count Ficquelmont any number of men for the same service.

It appears, as I think, that many of those who looked with apathy upon the position of the Emperor's affairs have altered their opinion considerably, and incline to think that their own interests are much engaged in the preservation of the power of the House of Hapsburg.

Count Ficquelmont spoke of the engagement of England, in common with other powers, to respect the territorial divisions of Italy, including the Austrian territories of Lombardy, &c., and asked if England would approve of the attempt made by the King of Sardinia on Lombardy, which, if it succeeded, would destroy that subdivision. I replied that I did not know what would be the conduct of Her Majesty's Government on this occasion, but that I would not say that I believed the British Government would make war upon the King of Sardinia, or adopt coercive measures to oblige that Monarch to desist from his enterprise. The Count said, "We must rely upon ourselves."

I added that I felt sure Her Majesty's Government would be glad to be useful to the Austrian Government, and anxious to preserve peace, and I asked if he could suggest means for that purpose. He rejoined, "All I am by the past entitled to hope for from your Government is their counsel to the Sardinian King, and that the English Diplomatic Agents in Italy should be instructed not to act in a hostile spirit against us. The English influence in Italy is at this moment the only influence—and it is great." Your Lordship will recollect that the Count said the same thing to me at a previous interview.

I must hope that the Lombards will feel the advantages they would derive from being under the Crown of the Emperor, and entitled to the support of the whole empire against any foreign enemy. They might enjoy full authority within their own limits to manage all their own affairs, to employ only their own people in every civil office, and perhaps to have only their own people employed as officers in their army.

There would be, I presume, arrangements made for the proportion of the public debt which should fall to their share; for fixing also the amount they should pay for certain expenses which the Central Government would incur for diplomatic and other services; and what part of the cost which might be imposed upon the Government by a war.

It would perhaps be insisted upon by Austria that the Emperor should keep in his hands the great fortresses. Upon this last point it may be observed that even if the Milanese and their friends should gain possession of their own and other cities and towns, it would still

be a work of no small difficulty and cost for them to take those fortresses from the Austrians.

I have thus cursorily spoken of certain things which might be considered, if any arrangement should be contemplated by Austria and the Lombards. I do not know how what I have said would apply to Venice. None of these things I presume could be done until the Piedmontese affair shall have been settled.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure.*)—*The Marquis Pareto to the Marquis Ricci.*

(*Extract.*)

Ce soir donc (le 24 Mars), le Roi s'est décidé à intervenir militairement en Lombardie, et la communication dont je joins ici copie, a été faite au Ministre d'Autriche ainsi qu'à ceux de Prusse, de Russie, et d'Angleterre.

Cette détermination de Sa Majesté était impérieusement exigée par les circonstances actuelles de l'Italie, où le sentiment de l'indépendance nationale est porté au plus haut degré. Il y avait aussi à craindre que les nombreuses associations politiques existantes en Lombardie et la proximité de la Suisse ne fissent proclamer un Gouvernement Républicain. Cette forme aurait été fatale à la cause Italienne, à notre Gouvernement, à l'auguste dynastie de Savoie; il fallait prendre un parti prompt et décisif; le Gouvernement et le Roi n'ont pas hésité; et ils sont intimement persuadés d'avoir opéré, au prix des dangers auxquels ils s'exposent, le salut des autres Etats Monarchiques.

No. 215.—The Marquis of Normanby to Viscount Palmerston.

(*Received April 8.*)

MY LORD,

Paris, April 7, 1848.

I INQUIRED of M. Lamartine this morning what was the correct version of the most recent intelligence from Savoy.

He stated in reply that a sort of half revolution had been effected there, and that the workmen who had returned to their country had, in consequence of the feebleness of the authorities, proclaimed a Republic at Chambéry; but that after a short time the priests had collected the peasants from the neighbouring mountains, and they had entered the town and restored the royal authority of Charles Albert. M. Lamartine added that the French Government were entirely free from all blame in this transaction; that notwithstanding the difficulties which beset M. Arago, the Commissary at Lyons, he had acted with great energy; the Savoyards had been prevented from entering their country with arms, or in any large numbers,

however they might have reunited after passing the frontier and crossing the Mont de Chat.

I then asked M. Lamartine what was the explanation of a bulletin in the "Moniteur" of this morning, concerning what was called the Army of the Alps; that taken in connexion with all these transactions, it was rather a threatening title.

He reminded me that it was the usual title for the division of the French army assembled in those provinces in time of peace; that it had existed under all Governments, the Government of the Restoration included. But he had no objection to state to me personally exactly what was his view in collecting about 60,000 men in those provinces. There was no desire to interfere in the internal concerns of any other country; but since the late expedition of the King of Sardinia, it was impossible not to feel that events might occur which it would be difficult for the French Government to view with indifference. If in consequence of any defeat of Charles Albert, he was to be in difficulties, and Italy likely to be exposed to a prolonged warfare on the part of its population against an Austrian army, he should then think it was a case, not for any isolated step on the part of France, but for the intervention of an armed diplomacy; that his first object, if the case arose, would be to consult with us, and endeavour to come to an understanding with the British Government, and, if possible, with Europe, as to a settlement of the Italian questions.

In the second place, he said, the formation of a strong army in the neighbourhood of Lyons was not a matter of indifference for the maintenance of order, considering the present state of that large manufacturing population.

I have, &c.

Viscount Palmerston, G.C.B.

NORMANBY.

No. 216.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received April 8.)

(Extract.)

Turin, March 27, 1848.

I THIS morning had a conversation with the Marquis Pareto, upon the intentions of the Sardinian Government now that the determination had been taken to advance the Piedmontese army across the frontiers of the Austrian provinces in Italy.

The Marquis Pareto stated that this declaration of war against Austria had a twofold object: 1st, to drive the Austrians for ever out of Italy; 2ndly, to assist the Provisional Government formed at Milan.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 217.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received April 8.)

(Extract.)

Turin, March 27, 1848.

BARON WARD arrived at Turin late the night before last.

The Duke of Parma having granted a constitution, which had been accepted with satisfaction by his subjects, the Baron had been sent to this Court.

News arrived yesterday that Piacenza had, by order of Marshal Radetzky, been evacuated and the garrison withdrawn, and the 800 Austrians who had been stationed in the town of Parma had retreated to Colorno on the Po, where they had surrendered their ammunition, and had only not quitted the Parmesan territory because their passage through the country of Casal Maggiore had been opposed by the Lombards.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 222.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. April 9.)

MY LORD,

Florence, April 1, 1848.

I HAVE the honour to transmit a despatch from Mr. Petre, stating the movement of troops from Rome to the northern frontier, under the command of Generals Durando and Ferrari.

The same despatch also mentions that the Sardinian Minister at Rome has publicly announced the intention of his Sovereign to effect with his army the liberation of Italy from Austria.

I have the honour to enclose a Florence Gazette of March 30th, containing 2 important motuproprios. The first of these imposes an additional burden of 1-3rd of the present taxation throughout the Grand Duchy, excepting Lucca, and likewise a tax on all public salaries, graduated in proportion to the amount of each, from 1 to 5 per cent.

The sum of 700,000 lire is also to be raised from the trade and commerce of the Grand Duchy generally.

The object of this taxation is to provide for the exigencies of the war contemplated against Austria, and in consideration of Tuscany having to furnish her contingent as a member of the Italian League.

The 2nd motuproprio states the intention of the Government to send troops, which had before been only destined for the frontier, to a rendezvous between Modena and Reggio, to co-operate with those already on the march from Sardinia and Rome.

Since the departure of the Duke of Modena great confusion has prevailed in that territory. Some attempts appear to have been made at counter-revolution, and the Provisional Governments at Modena and Reggio are reported to entertain different views in respect of the ulterior settlement of that country.

The Lunigiana, both on the side of Modena and of Parma, including Fivizzano and Pontremoli, have proclaimed the nullity of the Treaty of 1844, and their determination to belong to Tuscany, which, indeed, has already occupied them with her volunteers.

Piacenza, since the evacuation of the fortress, has declared itself for a separation, but Parma as yet remains loyal to the Duke, and has willingly accepted the constitution which was offered by the advice of Baron Ward.

The press at Florence, on this account, expresses much indignation both against Baron Ward and the people of Parma, as the expulsion of the Duke of Parma and the annexation of the whole of Modena and Parma to Tuscany is assumed here as an incontrovertible right.

Your Lordship will doubtless have received through Mr. Abercromby, an account of all the military events connected with the insurrection in Lombardy since the evacuation of Milan.

All the fortresses have been abandoned which are not in the line of defence of the rivers Adige and Mincio. But the last accounts which have reached Florence describe the determination of the Austrian commanders to defend other fortresses, and particularly Mantua and Ferrara, to the last extremity.

General Gorgowski, who commands at Mantua, received a deputation from the town demanding the surrender of the place. He showed them a small key, which, he said, opened the door leading to the mines, and declared his intention to light the train himself and blow up the fortress and perish, rather than capitulate.

The Grand Duke of Tuscany has issued a *motuproprio* removing all custom-house duties between the States of Tuscany and Modena.

The arrival of 6,000 Neapolitan troops is expected at Florence, which were to be landed at Leghorn, and are to proceed to the seat of war without delay.

The Government has sent in a note to the Austrian *Chargé d'Affaires*, who still remains at Florence, justifying the armament against Austria on the general ground of the state of events, and the danger that would menace the throne of Tuscany, which renders such a policy inevitable.

Your Lordship will observe that the Grand Duke of Tuscany has recently abandoned, in all public documents and proclamations, the titles of Archduke of Austria and Prince of Hungary, and I have further to inform your Lordship that when he has appeared at the opera he has been saluted by the audience as King of Etruria.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 228.—Viscount Palmerston to Lord Napier.

MY LORD,

Foreign Office, April 11, 1848.

WITH reference to your Lordship's despatch of the 28th ultimo, reporting what passed between M. Troja and yourself on the subject of the indignity offered to the Austrian Ambassador at Naples, and on the subject of the manifesto encouraging volunteers to enlist for the invasion of Lombardy, I have to inform your Lordship that Her Majesty's Government approve of the language held by you on that occasion; and I have to instruct you to point out to the Neapolitan Minister that the Neapolitan Government is, by such proceedings, engaging in that very interference in the internal affairs of another country with which Naples is not at war, which the Liberal party all over Italy made it the standing reproach against the Austrian Government that it was likely and meditating to commit. What is law for one party ought equally to be law for the other; and if the Liberals of Italy objected, and with justice, to an interference of Austrian troops in the internal affairs of Naples, so also ought they, upon the same principle, to condemn an interference by the Neapolitan Government in the internal affairs of the Austrian dominions.

In point of fact, it is an act which in its nature is war, and it is worth while for the Government of Naples well to pause before it commences unprovoked war against Austria, even while Austria is in the embarrassments which at present weigh upon her.

I am, &c.

Lord Napier.

PALMERSTON.

No. 229.—Viscount Palmerston to the Hon. R. Abercromby.

(Extract.)

Foreign Office, April 11, 1848.

WITH reference to your despatch of the 27th ultimo, reporting on the supposed intentions of the Sardinian Government with regard to Lombardy, I have to inform you that Her Majesty's Government approve the language which you held to the Marquis Pareto on this subject; and I have to instruct you to say to the Sardinian Minister, that the conflict into which Sardinia has entered must be admitted to be one of doubtful result, and that the principle on which it has been commenced is one full of danger.

The Hon. R. Abercromby.

PALMERSTON.

No. 230.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, April 11, 1848.

I HAVE to instruct you to exhort the Sardinian Government to accept the offer made by the Duke of Parma to join the Italian Com-

mercial League, a refusal to accede to which might, it is to be feared, expose the Sardinian Government to the imputation of having ulterior and unavowed designs upon the territory of Parma.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 232.—The Hon. R. Abercromby to Viscount Palmerston.

(Received April 12.)

MY LORD,

Turin, April 6, 1848.

I AM this moment returned from the Foreign Office, and it is with much pleasure that I am able, from the official reports received by the Sardinian Government from Chambéry, to contradict the information that the invasion of the workmen from Lyons had been successful; that His Sardinian Majesty's authority in the Duchy of Savoy had been overthrown; and that a Provisional Government had been established in its stead.

It would seem that after the inhabitants of the town of Chambéry and of the neighbourhood had recovered from the effects of their panic, they regained courage, and after a sharp struggle of some hours, in which several of the invaders were killed and wounded, the workmen were completely defeated, several made prisoners, and the remainder dispersed over the country, where it will be difficult for them to escape from the vigilance of the peasants, who appear to be much exasperated by this unprovoked and undesired invasion of their country.

The accounts add that the best spirit of loyalty towards the House of Savoy has shown itself on this occasion.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 233.—The Hon. R. Abercromby to Viscount Palmerston.

(Received April 12.)

MY LORD,

Turin, April 6, 1848.

BY accounts received from the army, the head-quarters of His Sardinian Majesty will be this day at Marcara, in the direction of Mantua.

A Piedmontese corps has crossed the Mincio at Goito.

The left of the Piedmontese army has advanced to the position of Montechiaro, and the Austrians appear to be directing their retreat upon Verona.

The fortress of Legnago on the Adige, in the rear of Mantua,

and between that fortress and Verona, has fallen into the hands of the Italians.

This event opens the country from Venice to the seat of war.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 235.—*Consul-General Dawkins to Viscount Palmerston.*

(Received April 12.)

MY LORD,

Venice, March 31, 1848.

I HAVE the honour to transmit the accompanying letter to your Lordship's address, which I received yesterday from the Provisional Government of Venice, inclosed in the letter of which I forward a copy.

I have this day acknowledged the receipt of this communication in the letter of which a copy is likewise inclosed.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure 1.)—*The Provisional Government of Venice to Consul-General Dawkins.*

(Translation.)

SIR,

Venice, March 28, 1848.

THE Provisional Government of the Venetian Republic begs you to be so good as to transmit the accompanying letter to the Minister for Foreign Affairs of the country which you represent, while it has the pleasure to express to you the sentiments of its esteem and consideration.

MANIN, *President.*

Consul-General Dawkins.

J. PINCHERLE.

ZENNARI, *Secretary.*

(Inclosure 2.)—*The Provisional Government of Venice to Viscount Palmerston.*

Venise, le 28 Mars, 1848.

Au Ministre des Affaires Etrangères du Royaume Britannique.

LES provinces de l'ancien Etat Vénitien, en prenant le nom de République, ont cru obéir à leur passé et à la nécessité des choses. Une nation telle que l'Anglaise, chez laquelle le respect des traditions est une espèce de dogme social, doit sentir ce qu'il y avait de sacré pour ces provinces dans leurs anciens souvenirs. Un Gouvernement constitutionnel dans ce pays et dans l'état actuel des esprits, n'aurait

été qu'une transition incommode, dangereuse, et la cause des révolutions, peut-être suivies d'un despotisme pire que les précédents. Nous avons cru que le seul moyen de rester indépendants, c'était d'être libres. Mais le même sentiment qui nous conseillait une telle résolution nous impose le respect de tout Gouvernement établi. Nous ne doutons point des sympathies de cette grande nation où le sentiment de liberté est un instinct, et qui par la grandeur de ses vues et la persévérance de ses volontés rappelle plus que toute autre le succès et les gloires de Rome ancienne. Le drapeau Vénitien en rencontrant sur les mers le drapeau Britannique recevra toujours, nous l'espérons, un salut amical.

Pour le Gouvernement Provisoire de la République Vénitienne.

Le Président, MANIN.

Le Secrétaire, J. ZENNARI.

PALEOCAPA.

S.E. Le Vicomte Palmerston, G.C.B.

(Inclosure 3.)—Consul-General Dawkins to Signor Manin.

SIR,

Venice, March 31, 1848.

I HAD the honour to receive yesterday your letter of the 28th instant, and I beg leave to inform you that in compliance with your request, I will forward the letter therein inclosed by the first opportunity to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs.

I have, &c.

Signor Manin.

CLINTON G. DAWKINS.

No. 237.—Sir George Hamilton to Viscount Palmerston.

(Received April 12.)

MY LORD,

Florence, April 3, 1848.

I HAVE the honour to transmit, for your Lordship's information, 2 notes which have been addressed to the Austrian Chargé d'Affaires, and officially inclosed by the Tuscan Minister for Foreign Affairs to all the foreign Representatives at the Court of Florence.

The first of these documents is for the purpose of justifying the motives of the Grand Duke in having aided in the hostile operations against Austria with reference to the insurrection in Lombardy; and I would call your Lordship's attention to that remarkable part of it in which the Minister states that it was necessary that the Grand Duke should yield to the wishes of his people in this respect for the preservation of his throne.

The second note relates to the destruction of the Imperial arms at Florence, which were insulted and publicly burnt by a Tuscan mob.

This latter communication has been made generally to the Diplomatic Body, in order to prevent a remonstrance by the foreign Ministers, which was already under consideration.

I am enabled, at the same time, to transmit to your Lordship a copy of the reply made by Baron de Schnitzer Meeran to Don Neri Corsini, with reference to Lombardy.

In acknowledging the Minister's 2 communications, which were sent to me by his Excellency without any comments, I have made in my reply, which I have the honour to inclose, a protest against the outrage committed at the Austrian Minister's house, and have expressed my earnest hope that precautions may be used to prevent a recurrence of so unjustifiable an act.

I have received information this morning that the French fleet, under Admiral Baudin, is expected at the Bay of Spezzia, and to anchor in that roadstead.

From private accounts which have reached me this morning, I am afraid that excesses have been committed by the Leghorn volunteers at Carrara; they forcibly entered and took possession of private houses, seizing every article that was valuable.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure 1.)—*Don Neri Corsini to Baron Schnitzer Meeran.*

Florence, 25 Mars, 1848.

Je me suis empressé de soumettre à Son Altesse Impériale et Royale le Grand Duc, mon auguste maître, la lettre confidentielle que vous avez bien voulu m'adresser ce matin.

Son Altesse m'a chargé de vous signifier que profondément indignée de l'attentat commis hier au soir contre la Légation Impériale, elle trouvait un soulagement à la fâcheuse impression que cet événement a produit sur son esprit dans l'espoir de vous exprimer personnellement tous ses regrets à la réunion de ce soir, où elle avait espéré que vous seriez intervenu.

Je saisis cette occasion pour vous donner l'assurance que toutes les dispositions sont prises pour qu'une surveillance spéciale soit portée sur les environs de la Légation.

Agréez, &c.

Baron Schnitzer Meeran.

NERI CORSINI.

(Inclosure 2.)—*Don Neri Corsini to Baron Schnitzer Meeran.*

Florence, 29 Mars, 1848.

M. LE Commandeur de Schnitzer Meeran, Chargé Affaires d'Autriche, connaît sans doute aussi bien que le Soussigné, les graves

événements qui viennent d'avoir lieu en Lombardie : l'évacuation forcée de Milan par les troupes Impériales ; l'insurrection éclatée dans d'autres villes, et dans les campagnes voisines ; des conflits sanglans partout entre les populations armées et les soldats Autrichiens.

Cette situation, comme peut bien le comprendre M. de Schnitzer Meeran, réagit sur les populations des autres Etats de la Péninsule. L'esprit de nationalité en est vivement excité ; et l'appel et la sympathie la plus prononcée.

Tout cela entretient dans la capitale et dans les provinces du Grand Duché une agitation telle qu'il est à craindre d'un moment à l'autre une commotion des plus graves si l'on ne s'empresse de satisfaire au vœu généralement exprimé de voir nos troupes et nos milices prendre part à la lutte dans laquelle leurs confrères de la Lombardie se trouvent engagés.

C'est dans cet état de choses que Monseigneur le Grand Duc se croit obligé de satisfaire au vœu susdit, dans l'intérêt bien entendu de toute l'Italie et dans celui de l'ordre et de la tranquillité de ses propres Etats, ainsi que de la conservation de son trône.

Le Soussigné, &c.

Baron Schnitzer Meeran.

NERI CORSINI.

(Inclosure 3.)—*Baron Schnitzer Meeran to Don Neri Corsini.*

Florence, 31 Mars, 1848.

J'AI l'honneur d'accuser la réception de la note que votre Excellence m'a adressée en date d'avant-hier, pour m'annoncer que Son Altesse Impériale et Royale Monseigneur le Grand Duc, votre auguste maître, attendu la réaction que les nouvelles des derniers événements dans la Lombardie exercent sur les provinces du Grand Duché, se croit obligé, dans l'intérêt bien entendu de toute l'Italie, et dans celui de l'ordre et de la tranquillité de ses propres Etats, ainsi que de la conservation de son trône, de satisfaire aux vœux généralement exprimés de voir les troupes et les milices Toscannes prendre part à la lutte des Lombards. Tout en faisant la part dûe à la gravité des circonstances qui ont déterminé Son Altesse Impériale et Royale à prendre cette mesure, il est de mon devoir de préserver, ainsi que j'entends le faire par la présente, le Gouvernement de Sa Majesté l'Empereur, mon auguste seigneur et maître, contre toute conséquence qui pourrait en résulter ou qui voudrait en être tirée, considérant la communication de votre Excellence simplement comme une ouverture à transmettre à mon Gouvernement, ce que je viens de faire par le courrier d'hier. Les anciens rapports d'intimité et les liens de parenté qui unissent les 2 augustes Souverains étant pour moi l'objet d'un trop profond respect pour prendre de suite la détermination qui dans

toute autre circonstance serait une suite naturelle d'une communication de cette nature, je me suis déterminé d'attendre les instructions qui me seront transmises par mon Gouvernement pour régler d'après elles ma conduite ultérieure. J'ai, &c.

Don Neri Corsini.

DE SCHNITZER MEERAN.

(*Inclosure 4.*)—*Sir G. Hamilton to Don Neri Corsini.*

M. LE MINISTRE,

Florence, April 1, 1848.

I HAD the honour of receiving yesterday your Excellency's notes to me of the 29th and 30th ultimo, containing copies of the communications which your Excellency had addressed by His Imperial and Royal Highness the Grand Duke of Tuscany's orders to the Austrian Chargé d'Affaires at this Court, one on the subject of the military assistance afforded by the Grand Duchy to their Lombard brothers, the other expressing His Imperial Highness's regrets at the outrage which had lately been committed by the populace at Florence in tearing down and burning the Imperial arms.

I have to thank your Excellency for these communications, at the same time I think it my duty, as a member of the Diplomatic Body at this Court, to enter my most solemn protest against such lawless proceedings as characterized the outrage committed at the Austrian Minister's house, and to express my earnest hope that measures will in future be taken against the possibility of such a repetition of the infraction of the "Droit des Gens." I avail, &c.

Don Neri Corsini.

GEORGE B. HAMILTON.

No. 238.—Sir G. Hamilton to Viscount Palmerston.—(Rec. April 12.)

MY LORD,

Florence, April 3, 1848.

I HAVE received official intelligence from Ferrara of the capitulation of the fort of Comacchio on the night of the 30th ultimo to the Swiss troops and civic guard. The small forts of Magnavacca and Valano are included in the capitulation.

The Austrian garrison have been allowed to carry with them their swords, and were to be sent by sea to Fiume.

50 pieces of cannon which have been taken at Comacchio will be immediately taken to Ferrara to bombard the fortress there if necessary.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

P.S.—I am informed by the Austrian Chargé d'Affaires that the garrison amounted to about 2,000 men.

No. 239.—*Sir G. Hamilton to Viscount Palmerston.*—(*Rec. April 12.*)
 MY LORD, *Florence, April 4, 1848.*

I HAVE the honour to transmit herewith 2 despatches from Mr. Petre :—one relating to the departure of the Jesuits from Rome to find refuge in England ; the other enclosing the Pope's address to the whole of Italy.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Address of the Pope to the People of Italy.*

Rome, March 30, 1848.

(Translation.)

PIUS PP. IX.

To the People of Italy, Health and Apostolic Benediction.

THE events which these 2 months have seen succeeding and pressing on each other with so rapid change, are not the work of man. Woe to him who in this wind which agitates, splits, and breaks to pieces cedars and oaks, hears not the voice of the Lord! Woe to human pride, if to the faults or merit of any whatsoever men is attributed these wonderful changes, instead of adoring the hidden designs of Providence, in whose hands are all the boundaries of the earth! And we, to whom is given the word to interpret the mute eloquence of the works of God, we cannot be silent in the midst of the desires, the fears, the hopes which agitate the minds of our children.

And we must first make known to you, that if our heart were moved at hearing how in a part of Italy the dangers of combats were provided against by the comforts of religion, and that by acts of charity the nobleness of minds was made known, we could not, however, nor can we not but be deeply grieved by the outrages committed in other places against the ministers of this religion itself; which, even if we, contrary to our duty, were to pass over in silence, it could not be that our silence would not diminish the efficacy of our benedictions.

We cannot, moreover, not tell you that the good use of victory is greater and more difficult than conquering. If the present time recalls to mind another of your history, let the errors of your fathers be of use to their descendants. Remember that all stability and all prosperity has concord for its primary civil reason; that God alone is He who makes the inhabitants of one and the same house unanimous; that God grants this reward to the humble alone, to the gentle, to those who respect his laws in the liberty of his Church, in the good order of society, in charity towards all men. Remember that justice alone builds up—that passions destroy; and He who takes the name of King of Kings, likewise entitles himself the ruler of the people.

May our prayers ascend in the sight of the Lord, and cause to descend on you that spirit of counsel, of strength, and of wisdom of

which the fear of God is the beginning; so that our eyes may see peace on all this land of Italy, which if in our universal charity for all the Catholic world we cannot call the most beloved, God willed, however, that it should be the nearest to us.

Datum Romæ apud S. Mariam Majorem die 30 Martii, 1848, pontificatus nostri anno secundo.

PIUS PP. IX.

No. 241.—Mr. Peel to Viscount Palmerston.—(Received April 13.)
(Extract.) *Berne, April 9, 1848.*

THE Vorort upon the probability of an European war, the state of Italy, and the desire of Geneva to occupy the districts of Chablais, Faucigny, and the Genevois, has deemed it expedient to convoke an extraordinary diet for the 13th of this month.

The French Minister to the Confederation, the General Thiard, has arrived at Berne, and presents his letters of credit on Wednesday next, the 12th instant. There is also a new Sardinian Chargé d'Affaires, the General Racchia.

Rome has also accredited an Envoy to the Confederation, M. Luquet, Bishop of Hesebon, in the place of the late Nuncio.

Viscount Palmerston, G.C.B.

W. PEEL.

No. 243.—Count Dietrichstein to Viscount Palmerston.
(Extract.) *Chandos House, le 13 Avril, 1848.*

JE crois ne plus devoir tarder à vous transmettre,

1. Copie d'une dépêche du Comte de Ficquelmont en date du 5 Avril.

2. L'original d'une dépêche de la même date avec 3 annexes, que je vous prie de me restituer après en avoir pris connaissance.

S.E. Le Vicomte Palmerston, G.C.B.

DIETRICHSTEIN,

(Inclosure 1.)—*Count Ficquelmont to Count Dietrichstein.*
M. LE COMTE, *Vienne, le 5 Avril, 1848.*

DANS des circonstances différentes de celles au milieu desquelles nous sommes placés, je me serais fait un devoir, M. l'Ambassadeur, de répondre sans retard aux intéressants rapports que votre Excellence a soumis au Cabinet Impérial par son expédition du 13 Mars. Il eût été de la plus haute importance pour nous, de faire connaître au Gouvernement de Sa Majesté Britannique les événements qui se sont succédés dans le mois de Mars en Italie, considérés du point de départ des droits et des intérêts de l'Empire d'Autriche; il nous a été cependant impossible de satisfaire à l'importance d'un devoir que nous avions à remplir envers nous-mêmes; car c'est un devoir de parler sincèrement à une Cour anciennement amie et alliée. Il nous eût été facile de vous entretenir des difficultés de notre situation en Italie;

car, quoique grandes, elles sont d'une nature claire et positive ; nous avons pour nous des Traités, des droits, des intérêts légitimes et de premier ordre ; nous avons contre nous une révolte morale que nous étions occupés d'apaiser dans des voies de conciliation, lorsque cette révolte devint une rébellion à main armée. Toute l'Italie excitait depuis longtemps nos provinces à se soulever ; les 2 foyers de la plus vive excitation étaient Gênes et Turin ; peu de jours après que ce soulèvement eût éclaté, le Roi de Sardaigne promit solennellement aux insurgés de venir à leur secours, et l'armée Piémontaise vint remplir cette promesse.

Il n'y avait dans l'ensemble de votre expédition par laquelle vous nous avez rendu compte de vos derniers entretiens avec Lord Palmerston comme dans la teneur de la dépêche que le Principal Secrétaire d'Etat venait d'adresser en date du 13 Mars à M. l'Envoyé d'Angleterre à Turin, que des raisons pour nous de nous adresser au Cabinet Anglais, pour lui demander quelle suite il croirait devoir donner à la déclaration que l'Envoyé Anglais, M. Abercromby, venait d'être chargé de faire à la Cour de Sardaigne ; il faut que nous ayons eu de graves raisons pour ne pas l'avoir fait sur le champ. Ces raisons, nous allons vous les dire, en vous priant, M. l'Ambassadeur, de les porter à la connaissance de sa Seigneurie le Principal Secrétaire d'Etat.

Nous ne croyons pas avoir besoin de vous exposer les causes qui ont amené le changement du système politique de l'Autriche, et qui viennent de placer notre empire sur une autre base. Il suffit de prendre ce changement comme un fait. La facilité avec laquelle il s'est accompli prouve qu'il a été à la fois un produit du temps et des hommes ; elle prouve surtout, et je mets cette preuve en tout premier lieu, parcequ'elle est la plus importante pour notre avenir, que la famille Impériale a su comprendre la maturité de l'événement. D'anciennes convictions sont une tradition vivante dans le sein de la maison de Hapsbourg. C'est à l'aide de son illustre et longue éducation historique qu'elle avait pendant plusieurs siècles porté, comme si elle eut été héréditaire, la couronne élective de l'Empire d'Allemagne. C'est par suite de ces mêmes convictions, qu'on a vu la maison Impériale conserver dans chacun de ces pays héréditaires ce qui lui appartenait en propre nationalité, lois, et coutumes. Le changement actuel n'est donc que le retour à d'anciennes maximes du Gouvernement, maximes dont le mouvement naturel avait été paralysé par un principe de centralisation administrative, qui s'était plus ou moins imposé en Europe à tous les Gouvernements.

Si la résolution de changer ce système a été d'autant plus facile à prendre que ce changement se rattachait à d'anciens souvenirs, il ne l'est pas autant de transformer une administration fortement organisée. Le mouvement universel qui agite l'Europe a toute la violence d'un

état de révolution, dont la première exigence est de briser la mesure du temps, et d'ajouter la difficulté de faire vite, à celle qui en toute chose existe toujours, de faire bien.

Voilà en 2 mots l'exposé de notre situation, qui était de nature à absorber tous nos soins, je dirai plus, toutes nos facultés. Il fallait déplacer les rouages les plus élevés de l'administration du terrain sur lequel il faut établir la base du nouvel ordre des choses ; c'est ce qui vient de se faire ; ce n'est que dès ce moment que je pouvais avoir la faculté d'entretenir un Cabinet étranger de nos intérêts politiques, et c'est au Cabinet Anglais que s'adressent nos premières paroles.

Depuis que j'ai été appelé à prendre le Ministère des Affaires Etrangères, j'ai eu 2 entretiens avec Lord Ponsonby ; il en aura rendu compte au Principal Secrétaire d'Etat.

Lord Ponsonby est un homme trop éclairé pour ne pas voir toutes les difficultés de notre position intérieure ; il est en même temps trop sincère pour ne pas m'en avoir entretenu. Je lui ai dit que les difficultés intérieures étaient notre affaire ; que nous nous en tirerions comme nous pourrions ; mais que si le Gouvernement de Sa Majesté Britannique tenait encore à l'ancien principe d'alliance qui pendant si longtemps a servi de base aux relations de nos 2 Gouvernements, ce serait dans des voies politiques qu'il lui serait possible de venir en aide à notre position ; que le mouvement général qui s'était emparé de toute la Péninsule Italienne avait entraîné nos provinces ; que la guerre que nous avions à y soutenir réagirait d'une manière fort embarrassante pour nous. "C'est le point de vos affaires qui nous occupe le plus," dit Lord Ponsonby, "parce que l'Italie pourrait devenir l'occasion d'une guerre générale ; le Gouvernement de la République Française aura besoin de la guerre pour se soutenir ; nous désirons que vous ne lui en donniez pas l'occasion en Italie."

Ce thème fut discuté entre nous dans les 2 entretiens que j'ai eus avec l'Ambassadeur ; comme les événements ont marché très vite pendant le temps qui s'est écoulé entre les deux, il serait inutile de les retracer ; je ne m'arrêterai qu'aux résultats.

Lord Ponsonby avait eu l'inquiétude que si la guerre nous conduisait sur le territoire Piémontais, la France interviendrait ; je lui dis donc que le soulèvement général du Royaume Lombard-Vénitien avait changé cette situation ; que les Piémontais venaient d'envahir la Lombardie ; que si nous parvenions à les repousser sur leur territoire, nous nous trouverions tellement occupés, ou de la soumission ou de la pacification de nos propres provinces, que je pouvais d'avance lui donner la certitude que nous ne poursuivrions pas hors de nos provinces les succès que nous pourrions avoir.

"Du reste," ai-je ajouté, "Milord, le sort de l'Italie est dans les mains de l'Angleterre ; vous êtes aujourd'hui la seule Puissance qui

y ait de l'influence ; elle est d'autant plus grande qu'elle est seule ; le renversement si facile de Louis Philippe, l'établissement d'une République en France, ont inspiré une véritable épouvante ; on craint le secours autant qu'on craindrait l'hostilité ; mais en reconnaissant votre puissance, ce dont certainement vous n'avez aucun droit de vous plaindre, permettez-moi de reporter en même temps sur vous la responsabilité des événements, au moins quant à ce qui nous regarde."

Nous avons en effet le droit d'en appeler à l'Angleterre. Vous trouverez, M. le Comte, dans la dépêche qui suit, le très court exposé historique de la guerre que nous fait aujourd'hui le Piémont. Je ne me sens pas à l'aise en vous chargeant de demander à sa Seigneurie le Principal Secrétaire d'Etat, jusqu'où pourra aller l'interprétation qu'il croira devoir donner à sa dépêche du 23 Mars à M. Abercromby ; elle est écrite dans un tout autre ordre d'idées que celle d'une guerre que le Piémont ferait à l'Autriche ; et cependant de cette interprétation dépendra le plus ou moins de facilité, j'irai même plus loin, et je dirai de possibilité, que nous trouverons à pacifier nos provinces Italiennes.

Il y a quelquefois des événements qui semblent marqués au coin d'une hostile fatalité.

Le soulèvement du Royaume Lombard-Vénitien a eu lieu au moment même où l'Empereur Ferdinand venait de prendre la résolution pour ainsi dire spontanée d'accorder à ses peuples ce qui lui a été démontré être un vœu universel ; de manière que les populations Italiennes, qui auraient trouvé dans la patente Impériale plus même qu'elles n'avaient demandé, n'ont pas pu en avoir connaissance, sur le bruit des armes qui les empêcha d'entendre les paroles souveraines.

La position que vient de prendre l'armée Autrichienne entre la Lombardie et le Vénitien amènera un temps d'arrêt, qui sera mis à profit pour l'œuvre de la pacification.

Un Commissaire Impérial va partir pour l'Italie, muni de pleins pouvoirs nécessaires pour négocier une réconciliation sur les bases plus larges qui sont une suite naturelle et voulue du nouveau système politique que vient d'adopter l'Autriche. Nous croyons donc que le Gouvernement de Sa Majesté Britannique trouverait dans l'ensemble de ces considérations des motifs suffisants pour se convaincre, qu'appuyer la position de la Cour d'Autriche dans les limites de ses possessions Italiennes serait tout autant conforme aux intérêts de l'Angleterre qu'à ceux de l'Autriche ; le concert de ces 2 intérêts rétablirait une garantie en faveur du maintien de la paix générale, dont les bases sont aujourd'hui si fortement ébranlées.

Veuillez, M. l'Ambassadeur, donner lecture de cette dépêche à Lord Palmerston, lui en laisser une copie, et nous faire connaître

les résolutions que prendra le Gouvernement de Sa Majesté Britannique.

Recevez, &c.

Count Dietrichstein,

FICQUELMONT.

(Inclosure 2.)—Count Ficquelmont to Count Dietrichstein.

M. LE COMTE,

Vienne, le 5 Avril, 1848.

LE Roi de Sardaigne vient de se mettre en état de guerre contre l'Autriche sans l'avoir déclarée; le fait ne nous a certes pas surpris, depuis plusieurs mois nous pouvions nous y attendre; jour par jour le Roi Charles-Albert faisait un pas de plus dans cette direction; son Ministère ne cessait cependant pas de chercher à se maintenir dans les meilleurs termes avec la mission de l'Empereur à Turin, ainsi que directement avec le Cabinet Impérial à Vienne. Les plaintes que M. le Comte de Buol eut souvent à porter contre les attaques d'une presse qui n'était pas encore libre et qui se livrait sans aucune réserve à tous les genres de diffamation du Gouvernement Impérial, et à l'excitation la plus directe adressée sous toutes les formes aux Lombards-Vénitiens pour les entraîner à la révolte, leur promettant le secours des armées Piémontaises; ces plaintes si fondées n'obtinrent d'autre réponse que celle de l'expression de l'impuissance dans laquelle se trouvait le Roi de réprimer de pareilles manifestations, qu'il ne pourrait pas se dépopulariser et affaiblir son propre pouvoir au profit d'un Gouvernement étranger; les phrases de banale excuse accompagnaient ordinairement cet aveu de faiblesse qui dans les premiers tems de cette position n'était que simulé, mais qui plus tard, nous voulons le croire par suite de cette complicité, devint une vérité.

Les choses en étaient à ce point et ne nous laissaient aucun doute sur les intentions de la Cour de Turin, lorsque vint à éclater l'insurrection de Milan, le 18 Mars.

Dès que la nouvelle en fut arrivée à Turin, le Gouvernement Piémontais s'empressa d'autoriser la formation de différents bataillons de volontaires dans lesquels tout étranger qui n'aurait pas déserté ses drapeaux pouvait être admis.

Le Ministre d'Autriche à Turin ayant adressé à ce sujet quelques observations à M. le Marquis Pareto, celui-ci lui fit une réponse évasive et peu satisfaisante qui termine par la phrase suivante :

“ Le Soussigné en se faisant un devoir de répondre par ces explications à la note de M. le Comte de Buol, s'empresse d'y ajouter l'assurance de son désir de seconder tout ce qui peut assurer les rapports d'amitié et de bon voisinage entre les 2 Etats, et il saisit, &c.”

Tel fut à la date du 22 Mars, le langage officiel du Gouvernement Piémontais.

Le lendemain 23, parut à Turin le manifeste connu, par lequel le

Roi Charles-Albert offre aux insurgés de la Lombardie le secours de ses armes.

Sous la même date le Marquis Pareto adressa au Comte Buol la note ci-jointe en copie.

Le contenu de cette pièce ne laissa plus d'autre parti à pendre au Comte de Buol que de demander ses passeports. Il le fit au moyen de la note ci-annexée, à laquelle le Marquis Pareto fit la réponse également ci-jointe en copie.

Le principal argument mis en avant par le Marquis Pareto pour justifier l'intervention armée du Roi de Sardaigne dans les troubles de la Lombardie, est puisé dans l'existence du Traité d'alliance défensive conclu naguère entre l'Autriche et les Ducs de Parme et de Modène. Ce Traité, selon le Marquis Pareto, serait attentatoire au droit de réversion que possède la Sardaigne sur le Duché de Plaisance.

Rien n'est facile comme de mettre au néant les sophismes par lesquels on a tâché de colorer l'invasion de la Lombardie.

Le Traité attaqué par la Sardaigne comme portant atteinte à ses droits, a été signé entre des Puissances indépendantes, entièrement libres de le signer selon leurs droits et leur convenance.

La présence des troupes Autrichiennes, soit à Plaisance, soit dans les Duchés de Parme, n'était ni une occupation, ni bien moins encore une prise de possession. Loin de porter atteinte à aucun des droits de souveraineté du Duc régnant, elle en était au contraire une émanation directe.

L'occupation de la place de Plaisance est un fait isolé dans cette question ; il est d'une autre nature puisqu'il repose sur une stipulation de l'Acte du Congrès de Vienne. Mais quelle que soit la cause de la présence des troupes Autrichiennes dans les Duchés de Parme et de Plaisance, cette présence ne porte pas non plus atteinte aux droits de réversibilité acquis à la Couronne de Sardaigne, droits anciens qui ont reçu leur dernière confirmation, conjointement à ceux de la Cour de Vienne, par le Traité de Paris du 10 Juin, 1817.

Ce Traité et les conditions de réversibilité qu'il contient ne sauraient enlever au Duc de Parme et de Plaisance aucun des droits dont il jouit en vertu de sa position politique de Souverain indépendant ; le droit de réversibilité auquel sont soumis les 2 Duchés n'enlève à ce Souverain aucun autre droit politique que celui de ne pouvoir aliéner aucune partie de ses possessions territoriales soumises à la clause de réversibilité.

La Cour d'Autriche a un intérêt commun avec celle de Sardaigne, celui de maintenir cette clause et les conséquences dans toute leur intégrité, puisque ce Traité de réversibilité ne peut exister isolément en faveur d'une de ces 2 Cours, sans exister à la fois pour l'autre.

Ce Traité n'a d'ailleurs d'autre but que celui de fixer l'éventualité

d'un droit qui ne peut exister qu'au moment de l'extinction de la succession directe de la maison régnante des Ducs de Parme.

Il nous reste à faire une grave observation sur la nature du manifeste signé par le Roi Charles-Albert en date du 23 Mars, adressé aux Lombards-Vénitiens, par lequel il leur annonce la résolution qu'il a prise de venir à leur secours, et de conquérir de concert avec eux l'indépendance du territoire Italien du joug étranger. Si le Roi de Sardaigne croyait avoir le droit de déclarer la guerre à Sa Majesté Impériale, &c., qu'il accusait d'avoir violé les droits qui lui étaient acquis sur une partie des Duchés de Parme et de Plaisance, pourquoi donc ne pas donner cette forme à son manifeste ? pourquoi donc adresser son manifeste aux sujets révoltés de l'Empereur ? Il nous serait difficile de trouver un précédent comparable à celui-ci de la part d'un Gouvernement qui aurait occupé une place régulière dans les rangs des Puissances Européennes.

Nous comprenons les révolutions ; qui ne les comprendrait pas de nos jours ? mais nous ne comprenons pas qu'un Gouvernement régulier, qui était encore dans toute la plénitude de son organisation politique, ait pu, pour ainsi dire, de plein gré quitter la place qu'il occupait pour se ranger dans les insurrections populaires.

Nous comprenons aussi ces insurrections populaires ; nous connaissons leur organisation, les forces qui les mettent en mouvement ; nous comprenons encore qu'un Gouvernement puisse vouloir mettre à profit ces insurrections, qu'il ait même secrètement favorisé leur explosion ; mais ce que nous ne comprenons pas, c'est que ce Gouvernement puisse lui-même se mettre dans les rangs de cette insurrection.

Si le Cabinet Anglais n'était pas encore en parfaite connaissance des faits de cette époque, veuillez alors, M. l'Ambassadeur, communiquer cette dépêche à M. le Principal Secrétaire d'Etat.

Recevez, &c.

Count Dietrichstein.

FICQUELMONT.

(Inclosure 3.)—*The Marquis Pareto to Count Buol.*

Turin, le 23 Mars, 1848.

MALGRE les nombreuses observations que M. le Comte de Buol, &c., lui a présentées à l'égard de la convenance ou non d'une intervention dans les Etats de la Lombardie, le Soussigné, &c., croit de son devoir de présenter à l'examen et à l'appréciation de M. le Comte les considérations suivantes pour justifier les mesures que le Gouvernement du Roi se croit en devoir et dans le droit de prendre à l'occasion des troubles graves et des terribles événements qui viennent d'éclater dans ce pays.

Le premier devoir et le droit imprescriptible d'un Etat est sans doute d'assurer la conservation de sa propre existence ; or, lorsque

des événements de force majeure, événements qui, par leur gravité, par la bien juste sympathie qu'ils excitent dans le pays, surgissant dans les Etats limitrophes mettent cette existence en danger d'être compromise, le Gouvernement a sans doute le droit de prendre toutes les précautions nécessaires pour se garantir de ces catastrophes qui bouleversent l'Etat et le conduisent par fois à 2 doigts de sa perte. Monsieur le Comte de Buol Schauenstein connaît aussi bien que le Soussigné les graves événements qui viennent d'avoir lieu dans la Lombardie. Milan en pleine révolution, et bientôt au pouvoir des habitants, qui, par leur courage et leur fermeté ont su résister aux troupes disciplinées de Sa Majesté Impériale; l'insurrection dans les campagnes et dans les villes voisines; enfin tout le pays qui borde les frontières des Etats de Sa Majesté Sarde en feu.

Cette situation comme peut bien le comprendre Monsieur le Comte de Buol, réagit sur l'état des esprits dans les provinces qui appartiennent à Sa Majesté le Roi de Sardaigne, la sympathie qu'excite la défense de Milan, l'esprit de nationalité qui malgré les délimitations artificielles des différens Etats, se fait néanmoins très puissamment sentir, tout concourt à entretenir dans les provinces et dans la capitale une agitation telle qu'il est à craindre que d'un moment à l'autre il en puisse résulter une de ces révolutions qui mettraient le trône en grave péril; car on ne peut se dissimuler qu'après les événements de France, le danger de la proclamation d'une République en Lombardie ne puisse être prochain; en effet d'après des renseignements positifs, il paraît qu'un certain nombre de Suisses a grandement contribué par son intervention à la réussite du soulèvement de Milan.

Si l'on ajoute à cela les mouvements de Parme et de Modène ainsi que ceux du Duché de Plaisance, sur lequel on ne peut refuser à Sa Majesté le Roi de Sardaigne le droit de veiller comme sur un territoire qui peut lui revenir par droit de reversibilité; si l'on ajoute qu'une grande et sérieuse exaspération a été excitée dans le Piémont et dans la Ligurie par la conclusion d'un traité entre Sa Majesté Impériale et les Ducs de Parme et Plaisance, et de Modène, traité qui, sous l'apparence de secours à fournir à ces petits Etats, les a réellement englobés dans la monarchie Autrichienne en portant les frontières militaires du Po, où elles devraient finir, jusqu'à la Méditerranée, et en rompant ainsi l'équilibre qui existait dans les différens Etats d'Italie, il est naturel de penser que la situation du Piémont est telle que d'un moment à l'autre, à l'annonce que la République a été proclamée en Lombardie, un mouvement semblable éclaterait aussi dans les Etats de Sa Majesté le Roi de Sardaigne, ou du moins il y aurait quelque grave commotion qui mettrait en danger le trône de Sa Majesté.

C'est dans cet état de choses que le Roi, fort de son droit pour la conservation de ses possessions, fort des droits qu'il a sur le Duché

de Plaisance, et dont par une violation manifeste on n'a pas voulu tenir compte lorsqu'on a signé le Traité du 24 Décembre, 1847, se croit obligé de prendre des mesures qui, en empêchant que le mouvement de la Lombardie ne devienne un mouvement républicain, éviteront au Piémont et au reste de l'Italie les catastrophes qui pourraient avoir lieu si une telle forme de Gouvernement venait à être proclamée.

Le Soussigné, &c.

Count Buol.

L. N. PARETO.

(Inclosure 4.)—Count Buol to the Marquis Pareto.

Turin, le 24 Mars, 1848.

Le Soussigné, &c., se proposait de se présenter ce matin même chez M. le Marquis de Pareto pour lui demander des explications catégoriques sur les nouveaux armements publiés en date d'hier soir, dont l'importance lui semblait peu en accord avec les protestations d'amitié et de bon voisinage qu'il venait de recevoir la veille encore de la part de M. le Ministre. La note qui lui fut remise hier soir à 11 heures, l'en dispense.

Cette pièce contient l'apologie de la rébellion, et attaque les droits souverains de Sa Majesté Impériale et Royale Apostolique, au mépris des Traités qui jusqu'à présent avaient formé les bases de l'union des 2 Cours.

Le Soussigné croirait manquer à la dignité de l'Empereur son auguste maître, en continuant dans cette grave circonstance des rapports diplomatiques avec un Gouvernement qui méconnaît ainsi la sainteté de traités reconnus et sanctionnés par lui-même, et qui jusqu'à présent avaient été la base des principes politiques de Sa Majesté le Roi de Sardaigne; il se voit par conséquent dans l'obligation de demander à M. le Marquis ses passeports pour pouvoir demain se rendre par Novare dans les Etats Impériaux.

Il est peiné au vif de la circonstance qui lui impose cette démarche, et prie M. le Ministre de recevoir, &c.

M. le Marquis Pareto.

BUOL.

(Inclosure 5.)—The Marquis Pareto to Count Buol.

Turin, 24 Mars, 1848.

Le Soussigné, &c., a reçu la note que M. le Comte de Buol, &c., lui a adressée ce matin pour lui annoncer la résolution de cesser les rapports diplomatiques qu'il entretenait avec le Gouvernement du Roi, et pour demander ses passeports, afin de se rendre dans les Etats Impériaux. Les raisons au moyen desquelles le Soussigné a justifié, dans sa communication en date d'hier, la conduite de son Gouvernement dans la circonstance actuelle, devraient le dispenser de revenir sur ce point. Mais il ne saurait garder le silence en face du reproche que M. le Comte de Buol fait au Gouvernement du Roi d'avoir

méconnu la sainteté des traités. Il le peut d'autant moins, que c'est au contraire au Gouvernement Impérial que revient ce reproche, puisque c'est lui qui a donné l'exemple d'une violation en signant avec le Duc de Modène et celui de Parme et de Plaisance, le traité du 24 Décembre, 1847, et en rompant ainsi l'équilibre qui existait entre les différents Etats de l'Italie, sans tenir aucun compte du droit qu'a Sa Majesté de veiller sur un territoire qui peut lui revenir par reversibilité. Cette raison pourrait seule justifier la résolution du Gouvernement du Roi, si d'ailleurs elle n'avait pas été impérieusement commandée par le devoir de sa propre conservation, qui est le premier devoir d'un Etat.

Le Soussigné, en adressant ci-joint à M. le Comte de Buol les passeports qu'il a demandés, partage avec lui le regret qu'il a témoigné en faisant cette démarche, et il le prie d'agréer, &c.

M. le Comte Buol.

L. N. PARETO.

No. 244.—Sir G. Hamilton to Viscount Palmerston.—(Rec. April 14.)

MY LORD,

Florence, April 6, 1848.

THE Duke of Parma has issued a proclamation, in which he has announced to his subjects that he will be governed in his conduct by the arbitration of the Pope, the King of Sardinia, and the Grand Duke of Tuscany, to whom he has referred the complicated political position in which recent events have so unfortunately placed the sovereignty of Parma.

A Chargé d'Affaires from the French Republic, a Monsieur Champy, nephew of the Abbé Lamennais, arrived at Florence yesterday.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 245.—Count Dietrichstein to Viscount Palmerston.

(Received April 17.)

MON CHER LORD PALMERSTON, *Chandos House, le 15 Avril, 1848.*

Vous avez vu par la dépêche du Comte de Ficquelmont en date du 5 de ce mois, dont je vous ai remis copie, que mon Gouvernement a pris la résolution d'expédier un Commissaire Impérial dans le Royaume Lombardo-Vénitien avec la mission d'y négocier une réconciliation sur les bases plus larges qui sont une suite naturelle et voulue du nouveau système politique adopté par l'Autriche. Cette œuvre de pacification, toutefois, ne pourra pas s'accomplir aussi longtemps que les 2 parties belligérantes se trouvent en présence et à la veille d'une collision. C'est donc avant tout une suspension d'hostilités qu'il s'agirait d'obtenir, et l'atteinte, de ce but me semble devoir être puissamment facilitée par l'influence conciliatrice que vous jugerez à propos de faire valoir à cet effet auprès des diverses Cours Italiennes.

En vous rendant au vœu que je me permets de vous exprimer par ces lignes vous contribuerez par vos bons offices à écarter les chances d'une guerre générale qui menacerait de sortir d'une collision sur le sol de l'Italie.

Agreez, &c.

S.E. Le Vicomte Palmerston.

DIETRICHSTEIN.

No. 246.—Viscount Ponsonby to Viscount Palmerston.

(Received April 15.)

MY LORD,

Vienna, April 9, 1848.

I HAVE the honour to inclose a report made by the Marshal Radetzky to the Imperial Government, which appeared yesterday in the "Vienna Gazette."

We learn that on the 18th of March the concessions made by the Emperor to the demands of the Milanese, and the fact that a Constitutional form of Government was determined upon, were officially notified and published by the Austrian authorities in Milan, and known to the inhabitants before the insurrection took place; a fact which renders it very doubtful if any hope may be entertained of arriving at any amicable arrangement whatever. I believe the Austrian Government considers war to be inevitable; and the best preparations the Government can make are in progress to reinforce the army, and by all means to maintain the line it now occupies, to defend the Tyrol, and guard against an attack upon the Venetian territory by any force from Milan. It is doubted here if the Piedmontese will advance,—it is thought their force is not sufficient to authorize that movement, and there are some notions that they entertain fears of a French intervention of some sort.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Article from the Wiener Zeitung, of April 8, 1848.

(Translation.)

WE have received from the head-quarters of Field-Marshal Count Radetzky reports down to the 2nd of April, with a general description of the operations which took place from the 19th to the 30th of March, and we hasten to lay them before the public in as complete a form as possible. It will be seen by these reports that the army and their valiant and experienced leader have preserved the honour of their arms under such perilous circumstances as have scarcely been equalled in the annals of war; and that they are ready at any moment, though in the face of unparalleled difficulties, undauntedly to renew the struggle, without a doubt of being able to bring it to a happy termination. The Government, on its side, will not fail to second the exertions of these exemplary troops with the greatest energy.

The report of Field-Marshal Radetzky from the Castle at Milan, dated 2 A.M. in the night of the 18th and 19th, relates that he had received numerous accounts, to the effect that the revolution would break out at Milan on the 18th. On the 17th the news was received by telegraph from Vienna, of the concessions granted by His Imperial Majesty on the 15th. Already on the 18th they were posted up at an early hour at the corners of all the streets at Milan. A display of military force was prepared only in the event of a request to that effect from the civil authorities. The expected favourable impression became, however, not only a vain hope, but was succeeded in a few hours by an anxious foreboding of the reverse. The mob became gradually more dense and more threatening, and Field-Marshal Radetzky, who was at his office when the storm broke out, was obliged to retreat to the castle to avoid being surrounded by the populace. From one moment to another the accounts became more alarming,—barricades were erected in all the principal streets, and the Field-Marshal ordered the troops to be held in readiness. In the meantime the small guard at the Government house was for the greater part put to the sword, the house plundered, part of the archives destroyed, and the Vice-President, Count O'Donell, made prisoner.

The Field-Marshal ordered General Wohlgemuth, who commanded the troops in this quarter, to carry the barricades by storm, and that building was again occupied. Meanwhile the struggle had begun in every part of the city; the soldiers were fired upon from the windows, and every kind of projectile (stones, boiling oil, and water), was showered down from the roofs. General Rath, who repaired to the centre of the town in order to take possession of the square in front of the cathedral, the citadel, and the Government buildings, was obliged to carry every barricade by force; the troops carried them all, and reached the positions appointed to them. It was evening, and the contest in the streets, or rather the firing upon our troops, had already lasted 6 hours, when the Field-Marshal determined to carry the Hôtel-de-Ville at all risks, and, if possible, to strike at the heart of the revolt by making prisoners of the Provisional Government. The contest lasted 4 hours, and was maintained by the insurgents with great obstinacy. At length, when most of the carpenters who were employed to break in the doors were killed or wounded, the troops succeeded in bursting the door with 12-pounders, which could with difficulty be made use of in narrow streets, and in making themselves masters of the building; upwards of 250 prisoners were made, and among them many persons of distinguished names. The prisoners and a dépôt of arms found in the house were transferred to the castle. The Field-Marshal could not yet furnish a list of the killed, but the number was considerable; in the meantime Count Radetzky resolved

to keep possession of Milan at every risk, and, if the contest did not cease, to bombard the city.

It was the intention of the Field-Marshal to despatch couriers to Verona, but this was rendered impracticable by the impossibility of procuring post horses along the road. The course of the contest at Milan on the 19th was as follows:—nothing had at first changed in the state of the city; the firing was begun already early in the morning at individual spots, and afterwards became general. The troops, notwithstanding their excessive labours, were indefatigable, and animated with the most admirable spirit. The Field-Marshal had summoned to his aid the nearest battalions in the neighbourhood, in order to increase the number of his forces, and to afford some repose to his troops. All the streets were intersected with barricades, but they formed no obstacle to the troops. The seat of the Provisional Government had been removed to the house of Count Borromeo.

The Field-Marshal resolved at a later hour of the day to take this house, in order, by carrying off the leaders of the revolution, to thwart the combination of the hostile party, and to obtain, in the persons of the most distinguished Milanese, hostages for the peace of the city. It had become necessary to employ large bodies of men to procure the necessary supply of food for the troops. The previous day and during the night of the 19th torrents of rain had fallen, but on the 19th the weather had cleared up. The Field-Marshal, who had till now hoped to reduce the town without bombardment, and had only employed artillery against the barricades, and on the most dangerous positions, began to fear that no other choice would now be left him. He resolved to withdraw in the night most of the troops into their barracks, and only to keep possession of the principal Government buildings; but if the contest was renewed, to do what his duty bound him to.

On the Piedmontese frontier everything as yet was tranquil; but the Field-Marshal felt that his difficulties would be materially increased if the free corps should embrace the opportunity to enter Lombardy either on that or the Swiss frontier. In the course of the day the Field-Marshal received unsatisfactory accounts from Field-Marshal L. d'Aspre at Padua, and from Venice. He was also informed that batteries had been formed on the frontiers of Piedmont. At Como an insurrection was expected, and assistance was reckoned upon from Switzerland, where 4 battalions had been offered by the Canton of Tessin. Meanwhile Como was sufficiently garrisoned, General Maurer was at Magenta, and at Pavia was the regiment Giulai, with its full complement of artillery. While the Field-Marshal resolved to leave the frontier of Piedmont protected as heretofore, he summoned 5 fresh battalions to his aid, in order to renew the attack on the 20th. It was impossible to send any despatches,

as every communication with the exterior was so intercepted, that accounts could only be received or dispatched under escort of strong detachments.

On the 20th the contest was renewed with the greatest ardour, and many victims fell on both sides. The Field-Marshal could still give no account of his losses, as he had no time to ascertain them with any precision. In Milan, the very foundations of the city were torn up; not hundreds, but thousands of barricades crossed the streets, and the enemy displayed in the execution of their plans so great a circumspection and an audacity, that it was evident that military leaders of foreign extraction must have been placed at their head. The character of this people, says the Field-Marshal, has become quite changed, fanaticism has seized every rank, every age, and every sex. Early on the 20th all the troops were withdrawn from the town into the citadel, with the exception of those in the barracks, with which it was possible to keep up a communication. All the gates of the city were also still held by the troops, and the Generals Wohlgemuth and Clamm kept their previous positions, by which means the communication with the gates was maintained. It was no longer possible to keep the posts within the town, as they could neither be supplied with provisions, nor could be relieved without a contest and severe loss. Particulars of the strife were in part wanting, and in part impossible to detail for want of time. "But one observation," says the Field-Marshal, "I must make; my feelings will not suffer me to omit that; my troops are really wonderful; they perform impossibilities, and maintain their courage, though they have now enjoyed no rest for 4 days, and have fought in the most dreadful weather. It almost breaks my heart that such courage cannot be employed against an open enemy."

Meanwhile, the foreign Consuls were endeavouring to save Milan from bombardment, and a truce, which had become very necessary to the troops after their excessive exertions, was agreed upon for 3 days. In the meantime, news arrived that the Piedmontese troops were on the march; the truce, therefore, had no result, and the contest was renewed with fresh vigour. Then came the news from the provinces; the whole country was in revolt, and the people had everywhere armed themselves. The Field-Marshal had resolved to summon all the detached garrisons to Milan, and thus to attack the city from every side; but every communication was intercepted, single orderlies were shot or made prisoners, stronger detachments met everywhere with the strongest resistance from the barricaded streets and villages, scouts were out of the question, and the interruption of the communications frustrated every scheme. There was only bread sufficient for a few days, and more could only be baked in the midst of a continual contest. Meat and salt was procured by the

commissariat, but this resource was also exhausted. Access to the magazine of provisions, situated outside the walls of the town, was each time necessary to be obtained by force. Thus did the Field-Marshal, though victorious at every point at which his troops showed themselves, find himself under the painful necessity of yielding to hunger.

On the 21st, intelligence came that the Piedmontese force on the Ticino was increasing in numbers, and that free corps had here and there crossed that river. Armed bodies of peasantry from the frontiers of Switzerland, and from the Valteline spread themselves over the plains; their numbers were calculated at 10,000 men.

Such was the state of affairs when the Field-Marshal felt the impossibility of maintaining any longer his position in Milan. He now ordered the brigades of Maurer and Strasoldo, which were stationed respectively in Magenta and Sarogna, to join him in Milan, during which time he renewed the contest with redoubled fury.

The Generals Wohlgemuth and Clamm protected the junction, whilst they destroyed with the artillery all the buildings which were near the ramparts. Many of them were taken by storm. The Field-Marshal having been the whole time in possession of the gates, had cut off every communication with the town. A pound of beef cost already a florin. The troops were also in want of food; they were all suffering from the greatest fatigue, and yet the spirit of the brave troops remained undaunted. It was a painful resolution: but they were obliged to abandon Milan. The whole country was in insurrection, the army was threatened from the rear by Piedmont. All the bridges might be broken down, and they had no beams to replace them, no means of transport. Nothing was known of what was passing in the rear. The Field-Marshal determined to retreat by Lodi, in order to avoid the large towns, as the country was there more open. This retreat took place, in 5 columns, on the nights of the 21st and 22nd. The march over the ramparts was again of the most difficult kind, as there was a great quantity of baggage, and many civil and military employes had taken refuge with the troops, whom one could not abandon to the fury of the fanatical rabble.

Generals Clamm and Wohlgemuth, who had destroyed everything near the ramparts, covered the march. The brigades Maurer and Strasoldo had joined the Field-Marshal. Everything was in flames in the neighbourhood of the Porta Tosa and Romana.

The retreat succeeded completely. It is one of those sad master-pieces in the art of war, in which we can only admire the strength of mind of the general and the undaunted bravery of the troops; which only causes the wound to be felt more acutely by the country. As soon as it became dark, all the troops were stationed in close

columns on the Place d'Armes; the castle remained occupied; the flanks were covered by numerous skirmishers. The march proceeded quickly through the defile of the ramparts. An attempt was made to oppose it at the Porta Comasina; but our troops overcame every obstacle. The loss was small when compared with the difficulty of the undertaking.

After midnight the rear-guard left their position on the ramparts, from whence they had covered the retreat; on the road to Lodi there were barricades put up and trenches made. The advanced guard had in the meantime cleared the way for the main body of the army. When they arrived on the 23rd at Molegnagno, that place had the temerity to demand that we should lay down our arms, and place the Colonel, Count Wratislaw, under threat of death, as prisoner in the castle. The Field-Marshal informed of this, ordered batteries to be raised, and the place, which was set on fire, to be taken by storm. The destruction of the bridge, which was composed of massive stone, had not succeeded; but it had been barricaded in the most extraordinary manner. The terror which the fate of Molegnagno spread, had the most salutary effect. No more resistance was offered to the Field-Marshal. The Archduke Ernst had succeeded in keeping Lodi in subjection, so that the Field-Marshal was able to pass the Adda without resistance. He halted one day at Molegnagno to give time to the exhausted troops to rest themselves. The Field-Marshal's plan was to take up a position behind the Adda, to assemble all his disposable troops, to open communication with the fortresses behind him, and then to make a fresh attack upon Milan. He was then informed of the revolution at Venice, the evacuation of Brescia, the defection of the garrison of Cremona. The former plan was therefore no longer practicable, and it became necessary to abandon the position of the Adda. On the 25th, the Field-Marshal received intelligence of the able retreat of Colonel Benedech from Pavia. Orders were given to abandon the half-ruined and completely untenable castle of Piacenza, and in this way 3 battalions and 3 batteries were added to the army.

The march as far as Montechiari, which place the army entered on the 30th of March, presents nothing particularly worthy of notice.

Separate reports of the occurrences at Como, Bergamo, and Cremona will be made as soon as the Field-Marshal is able to give a complete and connected account of all that has taken place. The Brigade Wohlgemuth was already sent to save Mantua. The Field-Marshal ordered the 1st corps to remain on the Mincio, the strong advanced guard to the heights of Lonato, and is himself engaged in organizing the army in Verona. Up to this time no desertion had

taken place among the Italian troops under the immediate command of the Field-Marshal.

During the contest at Milan, they emulated with each other in the discharge of their duty. At Cremona, however, the regiment Albert and the 3rd battalion Ceccopieri went over to the enemy; and at Brescia, a part of the regiment Haugwitz, who were fired upon by the rest of the regiment, and 3 squadrons of Lancers, which were at Cremona, have joined the enemy.

The Field-Marshal was, as we have shown, victorious in Milan, and had he not been compelled, by want of provisions and the declaration of war from Piedmont, to abandon the place, neither the balls of the enemy nor the boiling oil from the roofs would have driven away his brave troops. Seldom in long protracted wars have so many proofs of self-devotion and bravery been shown as in this contest. The loss of life at Milan must have been considerable, especially in those houses carried by assault, where every one who resisted was put to the sword. The loss on the side of the troops is far from inconsiderable, but the returns are wanting; with the exception of the battery, which, through the desertion of the Italian troops at Cremona, was lost, the army has not left behind one gun.

The reports from the Field-Marshal are dated Cremona, April 2nd.

No. 248.—*Viscount Ponsonby to Visc^t. Palmerston.*—(Rec. April 16.)
 MY LORD, *Vienna, April 10, 1848.*

YOUR Lordship may like to have re-stated the particular concessions made by the Imperial Government to the Lombards on the 15th March; Liberty of the Press, National Guard, Convocation within the shortest possible delay of the States of the German provinces of Galicia, of Lombardy, and Venice, with their representatives, consisting of proportionate numbers of the people, to form a general Constitution with the Hungarian part of the empire.

These concessions were published at Milan before hostilities commenced.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 251.—*Vice-Consul Campbell to Viscount Palmerston.*
 (Received April 16.)

(Extract.)

Milan, April 8, 1848.

I BEG to call your Lordship's attention to the following fact which has at this moment come to my knowledge. In consequence of an alliance, offensive and defensive, that existed between the Emperor of Austria and the Duke of Parma, the town of Parma was occupied by 800 Hungarian soldiers. Shortly after the revolution broke out in this duchy, a regency, composed of the Liberal party, ordered these

troops to return to the States of their Sovereign. On arriving at the Po they attempted to cross it, but were driven back by the Lombard insurgents. Not knowing where to go, and all the country round being in full insurrection, they returned to Colorno, a country town near Parma, where they remained several days, they being fed and lodged at the expense of the city of Parma. At last, ashamed of their sad position, they sold their arms and ammunition to the commune of Parma, making a capitulation that they should return immediately to their different places of abode in Hungary.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 252.—Consul-General Dawkins to Viscount Palmerston.

(Received April 16.)

MY LORD,

Venice, April 5, 1848.

I HAVE the honour to inclose a copy of the "Venetian Gazette," distributed this morning, containing the letters written by the Provisional Government here to the different foreign Powers; and I beg leave to call your Lordship's attention to the letter to the Greek Minister for Foreign Affairs.

This Gazette also contains an account of the capitulation of Comacchio to a body of Papal troops.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—The Provisional Government of Venice to the Greek Minister for Foreign Affairs.

Venise, le 28 Mars, 1848.

Au Ministre des Affaires Etrangères de Sa Majesté le Roi de Grèce.

LA Grèce et l'Italie se rencontrent enfin sur le chemin de la liberté. Nous qui devions tant à cette terre où la politique fut une inspiration et la science un hymne, nous lui devons dans ce siècle même des exemples qui confirment à la Grèce le titre glorieux de notre sœur aînée. Peuple incomparable, après quatre siècles d'esclavage, après trente ans de combats et de martyres, vous avez pris place à côté des nations civilisées; vous avez ensuite accompli une révolution pacifique, et si le mot nous était permis, nous dirions presque Attique, telle que les capitales les plus policées n'en eurent pas une pareille. La servitude nous avait séparés; que la liberté nous unisse. Rappelez-vous nos anciennes relations d'amitié et de gloire: rappelez-vous ce nom de Venise, qui est encore béni dans les Iles Ioniennes, et que les vieillards après cinquante ans ne peuvent prononcer sans pleurer de tendresse. Il y a pour vous encore des milliers d'hommes qui parlent notre langue, comme il y en avait jadis parmi nous qui parlaient la vôtre. Les souvenirs et les espérances, les intérêts et les études vont nous joindre plus fortement que jamais.

Nous ne saurions souhaiter, nous ne saurions pas même imaginer une consolation et une gloire qui ne soient la gloire et la consolation de nos frères.

Pour le Gouvernement Provisoire de la République Vénitienne,

Le Président, MANIN.

Le Secrétaire, ZENNARI.

TOMMASEO.

No. 257.—The Hon. R. Abercromby to Viscount Palmerston.

(Received April 17.)

MY LORD,

Turin, April 10, 1848.

A DECREE was the day before yesterday published, containing the names of 66 persons on whom His Sardinian Majesty has conferred the rank and title of Senators of the Kingdom.

These Senators will form the first or Upper Chamber of the State ; and the members are appointed for life.

The individuals chosen by the King to be members of the Upper Chamber show that His Sardinian Majesty has desired that this body of the State should comprise persons representing various classes and opinions, and that care has been taken to prevent the Senate from becoming a retreat for mere hangers on of the Court.

The Abbé Gioberti, the Chevalier Massimo d'Azeglio, the Chevalier Giacinto Collegno, the Prince de la Cisterna, the Baron Plana, and the Count Ludovico Sauli, all persons of Liberal opinions, are named Senators. The Archbishops of Chambéry and Vercelli are the only Prelates. His Excellency the Marquis Villamarina is a member of the Upper Chamber ; not his Excellency Count Solar de la Marguerite.

No member of the present Ministry is a Senator, several having declined that honour, in order not to have the appearance of having named themselves.

The composition of the Senate has been received in general with approbation.

The elections of the Deputies have been postponed for 10 days, and the Chambers have been convoked for the 8th of May, instead of the 27th instant, the day of meeting formerly proposed.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 259.—Sir G. Hamilton to Viscount Palmerston.—(Rec. April 17.)

MY LORD,

Florence, April 8, 1848.

I HAVE the honour to inclose, in original and translation, a proclamation issued by the Grand Duke of Tuscany addressed to the soldiery, which differs considerably from those which have hitherto appeared, as it at once calls upon the troops to join themselves to the

magnanimous Sardinians, and fly to the relief of Lombardy, and is, in fact, a declaration of war against Austria.

The Government states that the number of troops of the line marching towards Lombardy is above 6,000, inclusive of civic guards and the numerous volunteers.

Some divisions of the Neapolitan army are hourly expected to disembark at Leghorn.

The Grand Duke has appointed the 5th of June for the opening of the 2 Chambers at Florence. I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Address of the Grand Duke of Tuscany to the Army.*
(Translation.)

SOLDIERS!

Florence, April 5, 1848.

The sacred cause of the independence of Italy is to be now decided on the plains of Lombardy. Already the citizens of Milan have bought with their blood, and with a heroism that history offers few examples of, their liberty. The Sardinian army moves to the great combat, headed by its magnanimous King, under whose orders are fighting the royal princes.

Sons of Italy, heirs of the military glory of ancestors, the Tuscans cannot, ought not to remain in shameful ease in these solemn moments. Fly, then, united to the brave citizens as well as volunteers under our banners, to the assistance of the Lombard brethren. Let the love of country excite in you that valour of which the Tuscan warriors have given proof in every age.

Let discipline give you that force which does not come from numbers, and the victory will be yours.

Honour to Italian arms!

Long live Italian independence!

N. CORSINI, *Minister Secretary of State for War.*

LEOPOLDO.

No. 261.—*Vice-Consul Campbell to Visc^t. Palmerston.*—(*Rec. April 17.*)
(Extract.) *Milan, April 10, 1848.*

I HAVE the honour to inform your Lordship that the Provisional Government of Milan has issued a proclamation dissolving all the local Provisional Governments that had been established in Lombardy since the retreat of the Austrians from this city. It, at the same time, changes its own name into that of "The Central Provisional Government in Lombardy," and invites the several towns and districts, according to their size and population, to send one, two, or three delegates, for the purpose of consulting with and representing them near the central body. The Central Government has likewise appointed a commission, charged with the drawing up of a plan

for the convocation of a National Assembly, in which the form of the future Government will be decided.

By a decree of the Central Government of the 9th instant, the Jesuits are no longer allowed to remain in Lombardy; their colleges and institutions are consequently suppressed, and their property of all kinds sequestered.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 262.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, April 17, 1848.

HER Majesty's Government have been informed that the Government of Austria have dispatched Count Hartig to Lombardy for the purpose of proposing certain terms of reconciliation to the inhabitants; and I have to instruct you strongly to recommend to the Sardinian Government a suspension of hostilities, in order to enable Count Hartig to make, and the Lombards to consider, the propositions which Count Hartig is commissioned by the Austrian Government to make.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 263.—Viscount Palmerston to Viscount Ponsonby.

MY LORD,

Foreign Office, April 18, 1848.

WITH reference to your Excellency's despatch of the 5th instant, reporting what passed between your Excellency and Count Ficquelmont on the subject of the intervention of the King of Sardinia in the affairs of Lombardy, I have to inform you that Her Majesty's Government very much lament the unfortunate state of conflict which has suddenly arisen between Austria and Sardinia; and the more so, because it is scarcely to be supposed that the King of Sardinia has not in some way or other reckoned upon support from France, if such aid should become necessary. It is right, however, to say, that Her Majesty's Government have no information of any kind that can be deemed as confirming such a conjecture.

With regard to the attack made by the King of Sardinia on the Austrian territory, it is certain that no sufficient ground for that proceeding has been alleged by the Sardinian Government. Her Majesty's Government would be much relieved from the anxiety which the present state of these affairs necessarily inspires, if the mission of Count Hartig should lead to a peaceful settlement of these matters.

I am, &c.

H.E. Viscount Ponsonby.

PALMERSTON.

No. 265.—Sir G. Hamilton to Viscount Palmerston.—(Rec. April 20.)

MY LORD,

Florence, April 10, 1848.

I HAVE the honour to inform your Lordship that an official notice

appeared in the Florence "Gazette" of yesterday, announcing that the Grand Duke (who has now dropped the title of Imperial Highness) had recalled the Tuscan Chargé d'Affaires from the Court of Vienna, and had directed that passports should be given to the Austrian Chargé d'Affaires at this Court.

Don Neri Corsini, in announcing to M. de Schnitzer de Meeran the intentions of the Government, stated that the Grand Duke had been exposed to popular misinterpretations for allowing him to continue his functions as Austrian Chargé d'Affaires until the present time.

The Grand Duke wishing to contribute, from his private resources, to the voluntary loan required by the exigencies of the State, has desired the Maggiordomo of his Court to pay to the Repository-General the sum of 100,000 lire (about 6,000 pounds); but His Royal Highness, knowing that the funds of the Court will not furnish such a sum at the present moment, has ordered that a quantity of his plate, equal to that sum, shall be sent to the Mint to be melted down and converted into money. I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 266.—*Mr. Bidwell to Consul-General Dawkins.*

SIR,

Foreign Office, April 20, 1848.

WITH reference to your despatch of the 7th instant, I am directed by Viscount Palmerston to state to you that, in case of danger, you should make British subjects the first objects of your care; but when their safety has been provided for, you should do anything properly in your power to assist in protecting the Germans from violence and injury. I have, &c.

Consul-General Dawkins.

J. BIDWELL.

No. 267.—*Viscount Palmerston to Viscount Ponsonby.*

MY LORD,

Foreign Office, April 20, 1848.

WITH reference to your Excellency's despatch of the 2nd instant, reporting a conversation with Count Ficquelmont on the affairs of Italy, I have to instruct your Excellency to say that the advice which Her Majesty's Minister at Turin has invariably given to the Sardinian Government, both in execution of positive instructions from Her Majesty's Government and upon his own responsibility, has been that the King of Sardinia should maintain a strictly neutral position, and should not give any just cause of offence to, nor commit any acts of aggression against, either France on the one side, or Austria on the other. This advice, however, has not been followed.

The great practical question now to be decided by Austria is, what course she should take in regard to her Italian provinces, and the decision of that question must depend upon a much more accurate

knowledge of the state of things in Northern Italy than Count Ficquelmont seemed to possess when he conversed with your Excellency on these matters on the 2nd instant, if what he said is to be taken as representing his real opinions. The events which have since happened in Lombardy and Venice have shown that Count Ficquelmont was entirely mistaken in supposing that there was any party in those provinces favourable to Austria, or that the Austrian troops were able to defend the country; and after the manner in which those troops have been expelled from Milan and other places, and have of their own accord evacuated several strong positions, there does not seem any reasonable ground for expecting that any attempts by Austria to reconquer Italy could be attended with success.

With respect to the notion that the Italians would be willing to pay a large sum to Austria as the purchase of their independence, if such an arrangement could be negotiated, it would no doubt be an advantageous one for Austria, and ought not to be refused by her. But events are advancing so rapidly in North Italy, that great doubts may be felt whether the time is not gone by when such a bargain could have been made.

I have, &c.

H.E. Viscount Ponsonby.

PALMERSTON.

No. 270.—Viscount Palmerston to Count Dietrichstein.

Foreign Office, April 21, 1848.

VISCOUNT PALMERSTON presents his compliments to Count Dietrichstein, and with reference to his note of the 15th instant, has the honour to inform him that instructions were dispatched to Her Majesty's Minister at Turin on the 17th, directing him strongly to recommend a suspension of hostilities, in order to enable Count Hartig to make the propositions with which he has been charged by the Austrian Government.

*No. 271.—The Hon. R. Abercromby to Viscount Palmerston.
(Received April 21.)*

(Extract.)

Turin, April 14, 1848.

THE "Journal des Débats" of the 9th instant, received at Turin yesterday, contained the concluding half of the inclosed address from the Provisional Government of Milan to that of the French Republic, bearing date 27th March, 1848, three days after the publication of His Sardinian Majesty's proclamation to the inhabitants of Lombardy and Venice, announcing his determination to enter Lombardy at the head of his army for the purpose of expelling the Austrians from Italy.

As no mention of any document of such a nature as that now

inclosed had ever been made within my knowledge, I called upon the Marquis Pareto, and inquired of him whether he had ever heard of such a communication having been forwarded from Milan to Paris.

The Marquis at once assured me that neither he nor any of his colleagues had ever been made acquainted with such a step having been taken by the Provisional Government of Milan.

I then placed the "Journal des Débats" in the hands of the Sardinian Minister.

I could not help remarking to the Marquis Pareto, that the contents of this address appeared to account for the measures taken by the Provisional Government of France for the organization and concentration of the army of the Alps; and that when this direct appeal of the Provisional Government of Milan for the assistance of France was publicly known at Paris, it would be difficult for M. Lamartine, notwithstanding his sincere desire to preserve peace, successfully to resist the movement that would probably take place in favour of a march of French troops upon Italy.

The Marquis Pareto informed me that he should forthwith demand an explanation from the Provisional Government of Milan of their conduct in this business; and my Tuscan colleague, who came to speak to me upon this question later in the day, told me that a very strong despatch had been written to the Government of Milan, requiring that an immediate communication should be made to Paris, retracting in decided and positive language all avowed or implied application for French intervention to assist in completing the emancipation of Italy from foreign rule.

This affair has been reported to his Excellency the Marquis Brignole, at Paris, and he has been instructed by the Marquis Pareto to renew to M. Lamartine the protestations of the Sardinian Government against any intervention of France in the affairs of Italy being required, or even wished for by the Italian Governments.

The conduct of the Provisional Government of Milan on this occasion has produced a very unfavourable impression.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—The Provisional Government of Milan to the Provisional Government of France.

Milan, le 27 Mars, 1848.

APRES 5 jours d'une lutte acharnée, pendant lesquels notre peuple a fait des prodiges de valeur et de magnanimité, nous avons secoué le joug de l'Autriche et nous nous sommes constitués en Gouvernement Provisoire de Milan.

Mais la guerre continue tout près de nous; l'armée Autrichienne est transformée en bandes de pillards; car, harcelée de tous côtés, elle

fuit, elle revient sur ses pas, elle porte l'incendie et le ravage dans les villes et les campagnes, de l'Adda à l'Oglio et au Mincio, cherchant, à ce qu'il paraît, à assurer sa retraite sur Vérone.

Le Roi de Sardaigne nous a envoyé un corps de troupes, et il va venir en personne pour nous aider à chasser jusqu'aux Alpes l'éternel ennemi de l'indépendance Italienne.

Dans cet état de choses nous nous sommes abstenus de toute question politique; nous avons solennellement déclaré à plusieurs reprises, qu'après la lutte ce sera à la nation de décider sur ses destinées.

A cause de cela nous n'avons pas encore cherché à nous faire reconnaître par le Gouvernement Provisoire de la République Française; nous attendons d'être un Gouvernement avec une forme quelconque pour nous adresser à l'Europe. Maintenant nous ne sommes que le Gouvernement de l'urgence et de la nécessité.

Cependant, puisque nous envoyons un de nos citoyens les plus honorables, M. Louis Pono, à Toulon, pour faire un achat d'armes, nous avons cru pouvoir adresser au Gouvernement Provisoire de la République Française cette expression de notre respect et de notre sympathie.

C'est à ce Gouvernement, qui a déclaré si solennellement vouloir venir en aide à toutes les nationalités opprimées et en hâter la délivrance, c'est au Gouvernement de la nation la plus brave et la plus généreuse du monde, de trouver le moyen de nous aider dans nos circonstances si difficiles.

Nous n'ajoutons rien de plus, ne voulant pas donner une portée politique à cette adresse.

Vive la République Française! Vive l'Italie indépendante!

A. MAURI, *Secrétaire.*

CASATI.
BORROMEO.
BERETTA.
GUILINI.

No. 273.—*The Hon. R. Abercromby to Viscount Palmerston.*
(Received April 22.)

MY LORD,

Turin, April 16, 1848.

ON the 9th instant His Royal Highness the Duke of Parma by letter publicly accepted the resignations of the members of the Regency appointed by him at the commencement of the Parmesan revolution.

By the same letter His Royal Highness authorized the election by the elders of the city of Parma of a Provisional Government, and that election took place on the 11th instant.

The practical result of these events, although accomplished under

the seeming authority of the Duke as Sovereign, has been to establish a Government elected by the people, and to destroy the position of the Sovereign.

The continued residence of the Duke of Parma under these circumstances has become impossible; and, by information which I have this moment received from Parma, I learn that at 2 o'clock P.M. yesterday, it was settled between His Royal Highness the Duke of Parma and the Provisional Government, that His Royal Highness should leave Parma last night, accompanied by Signor Pallavicini on the part of the Parmesan Government, and proceed direct by Lombardy through Switzerland to Bâle, where His Royal Highness will for the present remain.

The Duke and Signor Pallavicini will be preceded on their journey by a Parma Government Commissioner, charged to arrange with the Lombard authorities of the towns through which they have to pass that no personal insult shall be offered to the Duke.

The Duchess of Parma and the Hereditary Princess of Parma are to remain as private individuals in the Garden Palace at Parma, under the protection of the Provisional Government.

The Hereditary Prince of Parma is still a prisoner at Milan, where, however, I am told that he is well and respectfully treated.

The Duke of Parma has not abdicated; and he quits his capital as Sovereign *de jure* of the Duchy of Parma.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 277.—*Lord Napier to Viscount Palmerston.*—(Received April 22.)
(Extract.) *Naples, March 31, 1848.*

I HAVE the honour to acquaint your Lordship that 184 volunteers, of whom about 40 are Lombards, were embarked on the 29th instant in the steam-vessel *Virgilio* for Leghorn.

The Neapolitan Government furnished arms and great coats, and defrayed the expenses of the vessel.

The volunteers seemed mostly of the middle class. They went under the orders of M. Giardini and M. Balzo, retired officers of the Neapolitan army, and were organized in two companies.

Viscount Palmerston, G.C.B.

NAPIER.

No. 278.—*Lord Napier to Viscount Palmerston.*—(Received April 22.)
(Extract.) *Naples, March 31, 1848.*

I HAVE the honour to submit to your Lordship herewith copy and translation of the correspondence which passed between Prince Schwarzenberg and the Neapolitan Government previous to his Excellency's departure from this capital.

Viscount Palmerston, G.C.B.

NAPIER.

(*Inclosure 1.*)—*Prince Cariatì to Lord Napier.*

(Translation.)

Naples, March 30, 1848.

THE Undersigned, &c., hastens to transmit to Lord Napier, &c., copy of the correspondence which has taken place between him and Prince Schwarzenberg on the occasion of the insult offered to the Austrian arms by an excited multitude, composed for the greater part of subjects of His Imperial and Royal Majesty.

The Undersigned had reason to believe that the friendly declarations of the Royal Government of Naples would have induced Prince Schwarzenberg to change his resolutions; but instead of this he has been informed that, without any further communication, he embarked on board an Austrian steamer, and has left this capital.

The Undersigned, in communicating these facts to Lord Napier, begs him to bring them to the knowledge of his Government for their information, and avails himself, &c.

Lord Napier.

PRINCE OF CARIATI.

(*Inclosure 2.*)—*Prince Schwarzenberg to Prince Cariatì.*

(Translation.)

Naples, March 25, 1848.

THE Undersigned, &c., hastens to inform the Prince of Cariatì, &c., of the following fact:

On the evening of this day, 25th March, 1848, about 7 o'clock, a crowd assembled before the entrance of this Imperial Royal Legation, situated in the Vico Freddo, and after having intimated to the porter that he should remain in his lodge, they shut the gates, at the same time throwing stones at him.

Then, climbing up the gates, some of the mob detached the arms from the iron bar to which they were fixed, after which they were dragged along, accompanied by the hootings of the crowd, and finally burnt in the Largo di Cappella Vecchia, upon a pile already prepared for the purpose, amid the acclamations of the mob.

So brutal an insult makes it unnecessary for the Undersigned to add any ulterior reflections, and renders superfluous any further explanation of the motive that induces him to address to his Excellency the present note.

Such a breach of the international law, respected between all civilized nations, demands a prompt and solemn reparation; and the Undersigned is too confident in the justice of the Government of His Sicilian Majesty not to expect that the same will be such as shall give perfect satisfaction to the Government of His Imperial Majesty.

It will manifestly be useless to allege that so outrageous an act (characterizing the same as the work of a few disturbers of the peace, and those not the subjects of His Sicilian Majesty), could not have been prevented in a capital, the seat of Government, furnished with a

numerous body of troops of the line and national guards, and the more so, as for several days preceding it was foreseen that it was the intention of the mob to make a scandalous breach of the peace, directed to insult a friendly Government and an ally.

In expectation of a prompt and satisfactory answer, the Undersigned has the honour, &c.

Prince Cariati.

SCHWARZENBERG.

(*Inclosure 3.*)—*Prince Schwarzenberg to Prince Cariati.*

(Translation.)

Naples, March 27, 1848.

THE Undersigned, &c., was under the necessity of addressing to his Excellency the Prince of Cariati, &c., a note, in date 25th instant, of which it is incumbent on him to send to his Excellency the inclosed copy.

The object of the note was so important, that the Undersigned considered himself authorized to expect an immediate reply. The same not having been sent, notwithstanding the urgency of the case in question, the Undersigned must attribute it to the absence of will or power in His Sicilian Majesty's Government to accord His Imperial Royal Majesty's Government, insulted in the person of their Representative, the satisfaction due to the same.

In consequence of which the Undersigned finds himself compelled to insist that the answer to his note of the 25th of March should not be deferred beyond the space of 24 hours, and should be accompanied with adequate satisfaction.

Should, however, His Sicilian Majesty's Government neither evince the will to respect, nor have the power to cause to be respected, the most sacred principles of international law, it only remains to the Undersigned to declare that he must consider himself as having ceased from the exercise of his diplomatic functions at the Royal Court, and to demand his passport, in order to leave the kingdom.

The Undersigned, &c.

Prince Cariati.

SCHWARZENBERG.

(*Inclosure 4.*)—*Prince Cariati to Prince Schwarzenberg.*

(Translation.)

Naples, March 27, 1848.

THE Undersigned, &c., has received the notes of Prince Schwarzenberg, &c., dated 25th and 27th instant, and hastens to reply to them.

The Royal Government are deeply afflicted on account of the violation of the arms of the Imperial Royal Legation of Austria, which occurred on the evening of the 25th instant, by a multitude (principally composed of individuals not subjects of His Majesty) beyond measure excited by the events that have taken place in Vienna, and by those most unfortunate ones of Lombardy.

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The Royal Government, as is well known to the Prince, so soon as they had intimation of the fact that took place in Rome, made every disposition to prevent a repetition of the same in Naples, judging such a fact in opposition to the principles of the laws of nations generally acknowledged, and they had reason to hope that they had succeeded in their intention. Unfortunately, however, at the very moment when the greatest tranquillity appeared to reign, and, contrary to all expectation, the event that has occasioned so much regret unexpectedly took place, in such a manner that it was not in the power of the public force to restrain the fury of the mob. Nor should this occurrence surprise the Prince, as he well knows that, in a capital cited as a model of the vigilance of Government, and of the devotion and discipline of the military of every grade, it has not been possible to prevent occurrences of a far graver nature.

The Royal Government considers it an imperious duty to make known to the Prince Schwarzenberg their reprobation of this most unfortunate circumstance, and they will embrace with pleasure any opportunity that may present itself, whereby they may be enabled to repair it so far as the serious state of affairs will allow.

The Undersigned hopes that these candid declarations may be sufficient to appease the just resentment of the Prince, and hence that, after the example of the Austrian Envoy at Rome, he will continue his friendly relations with the Government of His Majesty, and in such expectation the Undersigned, &c.

Prince Schwarzenberg.

CARIATI.

(*Inclosure 5.*)—*Prince Schwarzenberg to Prince Cariati.*

(*Translation.*)

Naples, March 27, 1848.

It has come to the knowledge of the Undersigned, Envoy, &c., that an edict signed "for the Minister of the Interior, by the Director, G. Tofano," has issued from the printing-office of the Minister of State for the Home Department, and that the same has been placarded in all the principal parts of this capital.

This ministerial edict treats of the "enrolment of generous and patriotic youths, who desire to join a body of volunteers destined to embark for Leghorn, and thence to proceed to Upper Italy, organized in companies, battalions, and regiments."

Such a publication bears the character of an appeal to the free corps whom His Majesty's Government assures "that they have already provided everything necessary for the arming of the same; and, moreover, the steamers that are to take them to Leghorn."

A part of Upper Italy being a territory forming a portion of the Austrian Monarchy, and it being the clearly manifested intention of the above-mentioned generous and patriotic youths to aid and abet the rebellion which it is said has broken out in the Kingdom of

Lombardy against its legitimate Government, it becomes incumbent on the Undersigned to beg his Excellency the Prince of Cariati, &c., to have the goodness to declare to him, in explicit terms, within the definite space of 24 hours, the object of the arming of the free corps above mentioned.

Should no answer be returned, the Undersigned will consider it as a manifest rupture of the friendly relations existing between the Empire of Austria and the Kingdom of the 2 Sicilies, and a motive for the departure of the Undersigned from this kingdom.

Prince Cariati.

SCHWARZENBERG.

(*Inclosure 6.*)—*Prince Schwarzenberg to Prince Cariati.*

(Translation.)

Naples, March 27, 1848.

AFTER waiting 48 hours, the Undersigned, Envoy, &c., had the honour to receive the answer to the notes, dated 25th and 27th instant, directed to his Excellency the Prince of Cariati, &c.

How much soever he may be personally grateful for the obliging expressions with which the note in answer, dated 27th instant, abounds, the Undersigned is under the painful necessity of declaring that the before-mentioned expressions do not offer any sufficient satisfaction for an insult of so grave a nature, offered to the august Court of Austria in the person of its representative.

The public affront that took place through the negligence of the Royal Government, demands a public reparation, whereby the Undersigned is in duty bound to require from His Sicilian Majesty's Government:

1st. That the Imperial Royal arms, torn down in so brutal and disgraceful a manner from the gate of entrance to the palace of this Imperial Royal Legation, and afterwards burnt upon a pile erected for the purpose in a public place, should be replaced by order of Government, and in presence of a public functionary, in the same place from whence they were taken.

2ndly. That a declaration, containing the expressions of reprobation with which his Excellency's note of the 27th describes the fore-mentioned violation of international law, should, as speedily as possible, be inserted in the official journal of the 2 Sicilies.

The Undersigned should hold himself wanting in his duty, as also in the consideration that he professes to the Court in which he has the honour to reside, if he did not treat the question under discussion according to the principles of international law acknowledged and respected by all civilized nations.

With a view to the same, the Undersigned takes the liberty of calling to his Excellency's attention, that precisely in that very city to which the Prince has been pleased to allude in his reply of the 27th, in the midst of the gravest events, the Government, so far from

forgetting that protection due to the Representatives of Foreign Powers caused detachments of troops to be posted near to their respective residences, to protect them from any molestation.

After this exposition, the sound judgment of his Excellency will be convinced of the necessity in which the Undersigned finds himself of insisting on an explicit and speedy reply, which he expects within the space of 24 hours.

In the affirmative, the Undersigned will be persuaded of the intention of His Majesty's Government to continue the friendly relations that have hitherto existed with the Court of Austria.

In case of a negative, on the other hand, nothing remains to the Undersigned but to renew his demand for the immediate delivery of his passports.

The Undersigned, &c.

Prince Cariati.

SCHWARZENBERG.

(*Inclosure 7.*)—*Prince Cariati to Prince Schwarzenberg.*

(Translation.)

Naples, March 28, 1848.

AT 1 o'clock on the morning of this day were delivered to the Undersigned, Minister, &c., the 2 notes which the Prince Schwarzenberg, &c., addressed to him, of yesterday's date, one of which was relative to the much regretted event that took place with regard to the removal of the arms of the Imperial Court of Austria placed over the entrance-gate of his residence; and the other, referring to the departure of certain Neapolitan volunteers for Lombardy.

Considering the resignation of Ministers, and the Undersigned not being able to take upon himself the grave responsibility of replying to them without first consulting the Council of Ministers, he finds himself under the necessity of begging the Prince to have the goodness to wait till the formation of a new Cabinet, to which his demand shall be submitted, that a due answer may be given to the same as soon as possible.

Trusting that the Prince will appreciate the circumstances that render the involuntary delay indispensable, he avails himself, &c.

Prince Schwarzenberg.

CARIATI.

No. 279.—*Lord Napier to Viscount Palmerston.*—(*Rec. April 22.*)

(Extract.)

Naples, April 1, 1848.

THE Radical party acknowledge as their chiefs, M. Saliceti, M. Lieto, and General William Pepe.

General Pepe, on being desired by the King to form a Cabinet, submitted to His Majesty, in concert with M. Saliceti, a project involving a radical change in the existing constitution and order of Government.

He proposed :

1st. The abolition of the House of Peers, or at least its suspension

until after the meeting of the Chamber of Deputies, by whom, with the King's consent, it remained to determine whether there should be an Upper Chamber, and what should be the nature of its institution and functions.

2ndly. The abrogation of the present Electoral Law, and the introduction of a scheme of universal suffrage, exercised in the choice of electoral colleges, by which the Deputies should be directly chosen.

3rdly. A sweeping change of public functionaries in every branch of the civil service, carried into effect by the dispatch to all the provinces of commissioners charged with full powers to dismiss the local authorities, and upset the previous order of administration.

After some hesitation, the King, who endeavoured to compose a Ministry in every quarter without success, seemed disposed to accede even to these terms, when he suddenly changed his resolution, and informed General Pepe in writing that he could not possibly avail himself of his services on conditions so revolutionary, or in connection with persons in whom he had no confidence.

Viscount Palmerston, G.C.B.

NAPIER.

No. 280.—Lord Napier to Viscount Palmerston.—(Rec. April 22.)
(Extract.) *Naples, April 2, 1848.*

I was yesterday morning informed that His Majesty the King desired to speak with me. I accordingly waited on His Majesty, and a long conversation ensued, the import of which may be stated as follows :

The King having related the various attempts which he had made for the purpose of forming a substantial administration, and having referred to the revolutionary nature of the project of General Pepe, who alone seemed capable of uniting a Cabinet, requested to hear my opinion of the position of affairs.

The King dismissed me, saying that his attention should be bestowed on the immediate formation of a Ministry. which was the one object of paramount importance, and I subsequently learned that he is renewing negotiations with M. Troja.

Prince Cariati was present during the audience.

Viscount Palmerston, G.C.B.

NAPIER.

No. 282.—Lord Napier to Viscount Palmerston.—(Rec. April 22.)
(Extract.) *Naples, April 4, 1848.*

I HAVE the honour to acquaint your Lordship that His Sicilian Majesty has at length succeeded in forming a Ministry.

M. Troja has again accepted the offices of President of the Council and Minister of Public Instruction.

Count Peter Ferretti has consented to take the portfolio of Finance,

the post of greatest difficulty; and he will also transact, for the present, the business of Agriculture and Commerce.

Count Ferretti is of an ancient family of Ancona, and brother to the Cardinal, but he has been long naturalized in the Kingdom of Naples.

Marquis Dragonetti is the new Minister for Foreign Affairs. He is descended from a noble and opulent house of Aquila, and became, while a very young man, distinguished as an orator in the Parliament of 1820. The Department of Religion is provisionally confided to his superintendence.

Colonel Degli Uberti, Minister of War in the late Cabinet, has been appointed to the office of Public Works.

M. Vignale is Minister of Grace and Justice, and General di Giudice Minister of War.

The modifications of the Constitution proposed are comprised in 10 Articles.

They may be succinctly stated in the following manner:

The admission to the suffrage of all persons exercising the learned professions and trades, and engaged in the pursuits of commerce, science, and the fine arts.

The reduction of the qualification necessary to being elected to that of the electors; so that every one who can vote can be chosen a deputy.

The nomination by the electoral colleges of persons whom they deem worthy of seats in the House of Peers from whom the King will select 50, at pleasure, to form the first assembly of the Upper Chamber, the constitution of which will, however, afterwards be modified at the will of Parliament and the King.

The negotiation of the Italian League, and the disposal of a large body of troops, for the purposes of this projected confederation, and, as a beginning, the dispatch of a regiment by sea without delay.

The appointment of delegates to the provinces, with special instructions for administrative objects, or the grant of similar powers and functions to the existing "Intendente."

These modifications seem to have met with a very general approbation.

Viscount Palmerston, G.C.B.

NAPIER.

(Inclosure.)—Programme of the Neapolitan Ministry.

(Translation.)

1st. To determine the day of election of the Deputies as soon as possible, according to the present provisional electoral laws, but with an extension that will permit men duly qualified to be elected Deputies, and that independently of the income that every other

Deputy ought to prove, the income of the Deputies being lowered and made equal to that of the electors.

2ndly. The elections of those communes under the jurisdiction of a judge, to be directed by the Deputies for the total number of each province, and the state of the poll to be examined by the central commission of scrutiny, in the capital of the province. The income required of the eligible shall be reduced to that of electors, being declared, moreover, electors, and in every way eligible, all qualifications.

3rdly. By qualification is to be understood the laudable and actual exercise of the learned professions, commerce, science, letters, the fine arts, and industry.

4thly. For this once His Majesty, wishing to collect from public vote the names who shall be esteemed most worthy to form a part of the Chamber of Peers, charges each electoral college to present a list of those whom they shall esteem as such in the respective provinces, and according to the category indicated in the statute, and that with a view to choose for the time being from the said votes the number of 50 Peers.

5thly. So soon as the Parliament shall be opened, the 2 Chambers, together with the King, shall have the power to modify the statute, especially in that which regards the Chamber of Peers.

6thly. The immediate appointment of Diplomatic Agents to form a free and loyal League with the other Italian States.

7thly. To place at the disposal of the Italian League a large contingent of troops, which shall immediately leave our frontier, and in the meantime to send without delay a regiment by sea.

8thly. The royal flag shall be surrounded by the Italian colours, so that they shall form one single flag.

9thly. To continue to hasten, with solicitude, the arming of the national guard throughout the whole kingdom.

10thly. The sending of delegates to organize the provinces, furnished with instructions that shall be given from the Minister of the Interior, or the conferring of similar powers on the Intendents of the provinces.

His Majesty, in his first conference, held this day, with the new Cabinet, has ordered :

1st. That the reserved troops shall be called, a portion of the levy recently suspended having been assigned to augment the army, in accordance with the present exigencies.

2ndly. That orders shall be given immediately by the Minister of War to call the 10th Regiment of the Line to Naples, to embark for Leghorn, and the necessary dispositions be made for the prompt departure of a body of troops towards the frontier of the kingdom.

3rdly. All those who desire the success of the Italian cause are

invited to assist by every means in their power to provide the army with horses, mules, money, and every other assistance that may further their ends.

Be it understood, however, that if for the said assistance it should be required that a reimbursement be made by Government, a corresponding "bono" shall be delivered to them.

His Majesty has been the first to set the example by contributing 20 fine horses from his private stud.

*No. 284.—The Marquis of Normanby to Viscount Palmerston.
(Received April 23.)*

MY LORD,

Paris, April 22, 1848.

As I see by Mr. Abercromby's last despatches, which reached me under flying seal, that much uneasiness had been excited in the Sardinian Government by an address from the Milanese Provisional Government to that of France, I thought it as well to mention the matter again to M. Lamartine, though when we had previously some conversation on the subject he had treated it very lightly.

His reply was again of the same character. He said that the French Government had never published the document, and that he had never made any reply to it.

I have, &c.

Viscount Palmerston, G.C.B.

NORMANBY.

*No. 285.—Consul Campbell to Viscount Palmerston.—(Rec. April 23.)
(Extract.)*

Milan, April 16, 1848.

I HAVE the honour to inclose, for your Lordship's information, the translation of an address or manifesto "to all the nations of Europe" (dated the 12th, and published the 14th), by the Central Provisional Government.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

*(Inclosure.)—Manifesto of the Central Provisional Government
of Lombardy.*

(Translation.)

Milan, April 12, 1848.

The Central Provisional Government of Lombardy to the Nations
of Europe.

A PEOPLE regenerated in their own blood, spilt in a heroic battle of 5 days, fought by them with an army most unequal, against a numerous army previously prepared, can confidently present themselves to Europe, and ask to be judged, without pride and without fear.

We say the judgment, and we might say the suffrage, because our cause is already judged; first, by God, who nerved our efforts; secondly, by men, who have celebrated our victory. We do not wish to escape from the supreme tribunal of public opinion, which is the interpreter of the conscience of all mankind and the absolute arbiter

of people and kings. We have fought and won in the face of the world, and in the face of the world we present ourselves to Europe, not to have our victory sanctioned, but to make it evident that we conquered because the right was on our side.

In the face of the Austrian Government, which, in force of the stipulations of the Congress of Vienna, has held us for 34 years under its dominion, we have the inalienable right, which all people have, to be independent, and to be masters of our native land. We have the right not only to be Lombards, but Italians. Treaties may settle questions between nations but they cannot dispose of the rights of a people; as they cannot blot out a history, abolish a language, and establish that a transient act, created by force, should prevail over the laws fixed by Providence. The life of nations belongs to the highest order of things, in which diplomacy, with its combinations liable to momentary interests, does not enter. It may happen that a nation, struck by the violence of events or broken up by its own fault, may appear as if shrouded in the funeral pall of her misfortunes; but the least accident, the least word, is sufficient to breathe a new life into her, and it is then that she rises again in the full vigour of her right. Nor could we be ever looked upon as a lifeless nation, not even during the long period of our slavery, as we ever formed a part, although detached and depressed, of Italian nationality, and were admitted and respected, not only on account of our geographical situation and statistical condition, but also by the public right, to which all civilized nations are entitled. We were ever jealous and unshaken supporters of our Italian nationality. We may accuse ourselves, we may be accused, of having submitted ourselves to a foreign domination; but we cannot accuse ourselves, nor can we be accused of having acknowledged the right, and least of all, of having disavowed our nationality. Every act of our public life, every act of our private life, would clear us from this accusation. Every manifestation of thought in science, letters, and arts, would give the lie to it. No, we never professed to be Austrians, nor even Lombards or Venetians, we always professed to be, and wished to be, Italians.

But if even we had tranquilly acquiesced in the law of circumstances, and had forsworn our right, the system pursued by the Austrian Government from the fatal 28th of April, 1814, up to the day of its expulsion, was such as to render it insupportable, from a sentiment of our dignity, both as men and Christians. Safe in point of right, we stand so high in point of fact, that we feel the necessity of restraining our expressions in the face of Europe, in order that it may not appear as if we wished to set ourselves up as a miracle of patience.

The Austrian Government continually strove not only to disinherit us of our own country, but to make nations regard us as the men,

the country, and the province of Austria, but likewise bent its endeavours to debase us in our own eyes as apostates of the Italian family ; it bent itself to corrupt us, to quench all feeling of conscience and vitality. In 1813, when frightened by the flight of Napoleon from the Island of Elba, and the Italian movement of Gioachimo Murat, it promised to respect our nationality, to grant us a constitution and an Italian representation ; and so many promises were confined to the deceitful representation of the Central and Provincial Congregations, that by degrees we became deprived of every power of proposing measures, deprived of every right, even that of advising and petitioning.

It promised to preserve those of our soldiers who had gloriously fought in Napoleon's battles ; instead of which they were immediately disbanded or incorporated with the troops from the other parts of the empire, thus making the noble profession of arms a shameful slavery for us, an instrument of servitude for ourselves and for others. It promised to pay the debts it had taken on itself, which belonged to the Kingdom of Italy, and acknowledged them as just ; then they were disowned and left unpaid, burthening instead the Monte Lombardo-Veneto, an Italian fund, with Austrian debts, stealthily causing them to be paid under the most foul mystery.

The Austrian Government never kept one of its promises, and on being reminded of them, it laughed at us and punished us.

As a violator of public faith, it could not feel any check on its arbitrary will, and it did not. It burthened us with immoderate taxes upon our goods, our persons, and the necessities of life ; it compelled us to prevent its bankruptcy, to which its disordered finances, stupidly and thievishly administered, dragged it from time to time. It brought upon us a host of foreign employés, public functionaries, and secret spies, who ate our bread, administered our affairs, judged upon our rights, while ignorant of our language and our customs. It imposed upon us bastard laws, inefficient from their multiplicity ; it imposed upon us long inextricable criminal law proceedings, in which there was nothing solemn or true except the sentence, the prison, the pillory, the hangman, and the gallows. It entangled us in a net of civil and military, juridical and ecclesiastical regulations, all fettering us, and all centred in Vienna, that pretended to have the sole monopoly of thought, of will, of decision. Every development of our commerce and industry was denied to us, to serve the interest of Austrian provinces and of privileged government manufactures, the private speculation of Viennese oligarchs. It subjected the municipal and communal system, the ancient boast of this country, the precious legacy of the clear good sense of the Italians, to a minute and irksome surveillance, all connected with the interest of the revenue, all tending to confine and to confuse. It

pretended to protect religion, merely to use it as a tool of despotism, and make it a slave to its fears. It deprived public charity of every spontaneous action, entangled it with administrative procrastinations, reduced it to an obedient machine of Aulic omnipotence. It did not permit, and made a difficulty to permit—arming itself with the most vile precautions—the spontaneous charity of the citizens to succour public misery, to check and purge the contagion of corruption which was abandoned to itself on high roads, in cottages, in asylums, and in prisons. It seized on the patrimony of minors, obliging guardians to invest it in public Government paper, left to the mercy of its mysterious frauds. It pauperized liberal professions, subjecting their exercise to the most abject and vexatious regulations. It persecuted Italian science, sought to destroy it by means of multifarious studies introduced in the public instruction, the whole of them falsified, in order that our ideas might not remain free, in order that their clumsy burthen might stifle and render abortive the outbursts of genius. It raised ridiculous scruples, hateful and innumerable stumbling-blocks to the Italian press, and to the diffusion of foreign books and journals, to debase our intellects and our hearts, and to disjoin us from European civilization. It ensnared and scourged the most illustrious intellects, protecting instead narrow and servile comprehensions; it organized the infamous sale of people's consciences, it organized an army of spies, made a system of secret denunciation, of suspicion; made the police the arbiters of liberty, life, and fortune, incriminated the wish, inflicted a penalty on words, menaced the thoughts, mingled and made no distinction between the victims of patriotism and those convicted as forgers and murderers.

This and still worse we suffered for so many years; we suffered the shame which was evident to ourselves and to all Europe; we suffered with the courage of patience, striving by all means in our power that the spark of national feeling should not be extinguished. We expected little, we desired nothing from the Austrian Government, but we were kept back by the terrible responsibilities that we would have brought upon ourselves, throwing, perhaps prematurely, in the midst of Europe the great question of our independence. The movements of 1821 and 1830 agitated and shook us most profoundly, and the cry which was heard throughout the world of the cruel tortures of Spielberg announced how many noble intellects, how many ardent minds had since then sworn to sacrifice themselves for the national cause. Still the whole country continued in its forbearance, in its perpetual but tacit protest against the Austrian Government, and showed that it was determined to wait till the day when the measure of its oppressions and our patience was at its height.

And that day came. At the voice of the great Pontiff, whom God has raised up for the salvation of Italy, for the freedom of all

Christian people, we felt kindled with every brotherly affection, we felt to be more Italians than ever. Making of his name the symbol of our hopes, of our aims, our minds so long compressed began to expand, our national feeling expressed itself in an unanimous tribute of admiration, of gratitude, of love to Pius IX, and behold, the Austrian Government put forth all its strength to prevent our showing ourselves to be Catholics and Italians, to make us almost accomplices of its odious attack on Ferrara; behold it breaking through every restraint by a blind and cruel rage, and letting loose its "sbirri" on the unarmed Milanese people while they were celebrating in the name of Pius IX, the entry of the new Archbishop, and soiling the public squares and streets with guiltless blood. Ah! that blood ought to have made us declare a war of extermination to the Austrian Government; still we had yet patience; we wished to see, we wished Europe should see to what pitch the despotism of the House of Lorraine might be carried.

From that day we only thought of multiplying protests, remonstrances, demands; the Central, the Municipal, the Provincial Congregations, all constituted judicial, administrative, scientific bodies, and the most eminent citizens joined together, of one accord, in one petition, in one protest: there was but one voice in the whole country, one sole complaint, one sole manifestation, which broke forth in every act: never was seen so unanimous and perfect harmony among a whole people. But the Austrian Government showed itself aware of these demonstrations merely to elude them, to turn them into ridicule, in order to quell them. On our part we scrupulously observed and respected all legal forms; on that of the Austrian Government there was nothing but provocations, insults, arbitrary arrests, and senseless proclamations. But it did more. It organized a band of assassins, advised them, protected them; let loose from the prisons cut-throats, inflamed by wine and bribed with money, to attack unarmed men and peaceful citizens; it did not hesitate to dishonour the military uniform by making soldiers the instruments of this iniquitous proceeding, and Milan, for the 2nd time, on the 3rd of January of infamous and mournful recollection, and Milan and Padua saw renewed the butcheries of Gallicia.

Still we continued to be patient, and although with bleeding hearts we showed that we were ready to rely on the soothing promises with which it tried to stifle our indignation; lying promises, though coming from the seat nearest to the throne; promises immediately gainsaid by proscriptions, banishments, by fresh military apparatus destined to thunder upon our town, and the proclamation of a sort of martial law ("Giudizio Statario"). We strove, however, to be patient, and submitted to endure the bitterest insults, the most cruel outrages for more than 2 long months of cruel agonies.

Finally, on the 18th of March, a proclamation was put forth in Milan stating that the Austrian Government had determined to concede to its subjects more extended institutions, promising the liberty of the press, and the convocation in July at Vienna of representatives of all the States in the empire. At the same time intelligence was spread of the movements of Vienna, from which we gathered that the Austrian Government was compelled to yield to a popular movement. That proclamation and that intelligence revealed at once that the promises were only extorted, and would be eluded or denied on a change of events. Therefore we resolved to try a last experiment, and to make evident the intentions of Vienna before all Europe. Victims as we had been for many years of the deceptions and frauds of the police, we demanded that that body should be abolished, and the preservation of public order confided to a civic guard.

We were answered by the fire of cannon and of musketry.

Then we felt that the moment of action had arrived, and we rose; we ceased then to be patient, and determined to finish it for ever.

God was with us! With a few hundred guns, with those weapons that chance placed in our hands, with the pavement of the streets, the tiles of the roofs, with our ingeniously raised barricades, with the pealing of the tocsin, in a conflict of 5 days we terrified and put to flight an army of 16,000 well disciplined soldiers, who had been excited by their merciless chief with promises that our city would be delivered up to fire and to pillage.

God was with us; with us, the weak against the strong; and no sooner we attempted to force open from within the gates of the town, we were surrounded by crowds of brethren who flew to arms outside, called together by those sounds of war, and who hastened to share with us the dangers of the battle and the joys of victory.

Scarcely 3 weeks were passed, and all Italy held out a fraternal and succouring hand. The magnanimous King of Sardinia is the first to put himself at the head of an Italian army, such as has not been seen for 3 centuries past, for the defence of the Italian cause; and one voice is on our lips, one sentiment in our hearts: "Viva l'Indipendenza Italiana!"

The Austrian Government no longer exists for us; it is now our enemy, with whom we must and do desire to fight, an enemy whom we shall meet under the tricoloured flag—our banner and that of Italy; an enemy with whom we can never come to terms. We have risen to the dignity of a nation, we become once more Italians, and in the sacred joy with which this conviction inebriates us, we feel a horror even at the idea of any foreign domination whatsoever. We should deem ourselves unworthy of the miracles that God has accomplished for us, if we did not feel inspired to unite ourselves with all our Italian brethren; if we did not declare before the world that

never more we should submit our necks to the yoke of the Austrian Government, or even to enter into a compromise with it.

If we even wished it, the thing could not be effected. The Austrian Government, we are happy to say, and for which we thank Heaven, has placed us in such a position that we cannot. It carries on a war of extermination against us, and has renewed a system of pagan and barbarian devastation. The butcheries, the degradations, with which its hordes have marked their way in their disgraceful fight, opened between us and it an abyss which separates us for ever. Our fields desolated by pillage and by fire, our churches profaned, our women violated, our children massacred and burnt; many of our dear brethren treacherously carried off and imprisoned by detached parties, render it impossible for us to entertain a thought of being reconciled to the Austrian Government. From such an enemy, who has thus desecrated the name of war, how could we receive the name of peace? Ours is a war of defence, of civilization against barbarism, and we will pursue it fearlessly, prepared for all, even for the last extremity, with the minds of men, who, placed in a great crisis, will neither withdraw, nor can they.

For these our declarations, for these our resolutions, we call upon Europe to bear witness: to Europe we turn, asking efficient aid towards a great work of justice and humanity. The Austrian Government orders against us a crusade, excites its populations by every argument of hatred and hypocrisy. We do not fear its battalions; we expect them in the confidence that victory will be once again on the righteous side. But for the honour of this age, the honour of civilization, and of the Christian name, we admit that we are depressed in spirits, on thinking that there are people so blinded by ferocious fanaticism, willing to carry on a war disgraceful and iniquitous. It is for Europe to enlighten them, to make them comprehend their true interests, to restrain them from carrying on an enterprise in which misfortune and disgrace can alone be gained. Let the European opinion raise its principal voice, and the result must be that the age shall be spared the shame of renewed barbarism.

Our fate is in the hand of God; Europe is the judge of our actions. This age is big with events, which may recompose on a new basis all Christian society. Perhaps the day is not far distant, in which all people, putting down their ancient jealousies, may meet under the banner of universal fraternity, and, all dignities being hushed, they will cultivate pacific relations, which commerce and industry will be the means of binding indissolubly. We offer up our vows for the speedy advent of that day: free, independent Italians, we will then willingly entwine the sacred bonds of brotherly peace, even with those who now form a part of the Austrian empire, if they wish it. Nations will receive us into the European compact, because

we can tell them,—we, who, of all the Italian people were destined to suffer most, to atone more painfully for the faults and errors of our forefathers,—we had the glory of arousing them all, of nerving them in the sublime emotions of our struggle and of our victory, of uniting them all under our national banner; we are worthy to speak in the name of Italy, our common country.

Milan, April 12, 1848.

CASATI, *President.*

BORROMEO.	TURRONI.
DURINI.	MORONI.
LITTO.	REZZONICO.
STRIGELLI.	AB. ANELLI.
GIULINI.	CARBONERA.
BERETTA.	GRASSELLI.
GUERRIERI.	DOSSI.

CORRENTI, *Secretary.*

No. 286.—*Sir G. Hamilton to Viscount Palmerston.*—(*Rec. April 25.*)
(Extract.) *Florence, April 17, 1848.*

I HAVE the honour to inclose a despatch from Mr. Petre.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Mr. Petre to Sir George Hamilton.*

SIR,

Rome, April 12, 1848.

I HAVE the honour to acquaint you, for the information of Viscount Palmerston, that yesterday evening was published a Ministerial ordinance by the Minister of Finance, by and under the advice of the Consalto di Stato, of the Council of Ministers, and by will of His Holiness, ordering that the notes of the Roman Bank of Discount shall be received from the date of the decree, and for the space of 3 months, as legal money;—that for this space of time the Bank is relieved from the obligation of paying its notes in specie;—that the privilege of issuing 1,500,000 dollars is reduced to 800,000;—that the condition of the Bank shall be published weekly in the “*Gazzetta di Roma*,”—that “for the greater guarantee of the possessors of notes, during their course as legal money, they must on every demand of the possessors be changed for Boni del Tesoro, bearing interest, and mortgage on real property of ecclesiastical establishments, expressly assigned for this purpose by Apostolic will (*benepiacito Apostolico*), and repayable as they fall due in specie; failing payment when due they shall be satisfied by the sale of the property mortgaged, to take place immediately by public auction without any expense.”

However doubtful the success of this measure may be, the Government had no other resource. Want of confidence, the rapid

disappearance of the gold and silver coin, either from hoarding, or for the payment of the troops and volunteers on their march, caused a run upon the Roman Bank, and serious consequences might have ensued if some attempt had not been made to restore confidence.

Assemblages of some of the lowest of the working classes, not indeed very numerous, their numbers being probably augmented by the idlest, who used to depend on the charity of the Jesuits, have been for the last 2 days noisy and clamorous before the residences of the Treasurer, and the banker Valentini, lately retired from business. There were some cries of down with the rich! down with the Roman Princes! Money was distributed amongst them by the Treasurer, and by Messrs. Valentini and Torlonia; and Prince Borghese, one of the Conservators of the Senate, addressed an assemblage in firm language, telling them that henceforth work would be given to those willing to work, but no more charity.

Every effort is made, both secretly and publicly, to excite the masses and to induce mistrust. The agitators in the clubs and other places of resort, under pretext for what they term the holy war, are crying out for fresh armaments, and a deputation from these clubs called upon the Cardinal Secretary of State a few days ago, when the well-known Ciceroacchio, now the president of a newly-established one, the Circolo Popolare, told his Eminence that money must be found; that if it were ill for those who had none, it would be worse for those who had some and who would not give it.

The following is a translation of the latter part of an article headed,—“War and Money,” by Sterbini, in the “Contemporaneo,” of Tuesday, 11th of April:

“And you who, shut up in a cold egotism, lock up in iron chests your treasures, and removing from around you all appearance of luxury, call yourselves poor in order not to give a dollar to the chest of the country, fly from society, leave Italy, take refuge amongst people brutalised by slavery; but make haste, for soon you will with difficulty find any in Europe. Why do you contaminate by your presence this land, in which revive so many virtues, in which every sacrifice springs spontaneously from the heart, in which the inhabitants strive one with the other to render themselves honoured and immortal? Fly! The patience of the people has a limit; woe! if they should overpass it, woe! if the baseness of your vile passions succeed in endangering the holy cause which is now defended, and this would happen if the means necessary for the war were to fail. That gold which you zealously shut up will be your ruin. Read history, and if your soul, by punishment of Heaven, be shut to every generous sentiment, if the fountain of moral pleasures be dried up within your heart, let at least that interest of preservation which so masters you, move you. In the serious dangers in which the country

is, do you think that recourse will not at last be had to violent means? Did a people ever stop for trifling considerations when it is a question of being or of not being? And why will you drag this people to abandon legal ways? Why will you that they have recourse to force as to the only anchor of safety?

“A sacred duty incites us to counsel you for your own good; the love of order will lead us to search out every way of calming the boiling passions of the multitude; but if you yourselves, instead of raising a mound, open the way to the torrent which is advancing, if daring incorrigibly you defy it, we, crossing our arms, will repeat the sublime words of the people of the middle ages,—‘Let it be as it will, it is the vengeance of God which is passing.’”

Many arrests have been made in the course of to-day by the Civic Guard. The greater number of those arrested, some singly, some in small knots, were armed with knives; many had money. The people generally say that they are thieves; the club agitators, that they are the paid agents of the retrogrades.

A better spirit is beginning to animate the Civic Guards. They now say that they will act if called upon.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 287.—Sir G. Hamilton to Viscount Palmerston.—(Rec. April 25.)
MY LORD, *Florence, April 17, 1848.*

THE Provisional authorities of the districts embracing the towns of Massa and Carrara in the Modenese States, have determined to elect a Chamber of Deputies by universal suffrage, in order to decide upon the future fate of that part of the territory which the population of Florence and Lucca are determined to annex to Tuscany.

I have already had occasion to inform your Lordship of the system which the Tuscan Government have adopted for the election of their future Chamber. The list of voters for the electoral colleges are already posted up in a printed form on the walls in every *comunità*, but notwithstanding the lowness of the franchise, it does not satisfy the violent party, whose opinions are adopted entirely on the subject by the press; and an article has already denounced the closeness of the system in the “*Patria*,” the least Radical of the journals in circulation; nor shall I be surprised if a modification of the measure in a more liberal sense is very shortly adopted.

Communications directly from the seat of war in Lombardy are infrequent. It was officially reported in various journals that a great victory had been obtained by the Piedmontese over the Austrians at Goito, and that the advanced guard had passed the Mincio, made 2,000 prisoners, and encamped on the left bank of the river.

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Subsequent accounts contradict the importance of this affair. A private letter from a Piedmontese officer, published in the "*Resorgimento*" of Turin, who was engaged on this occasion, states that an attack was made on the Austrian troops in Goito; that they were driven out of the place, and then recrossed the Mincio by a bridge which they blew up, and thus prevented the King of Sardinia's troops from following them to the other side. Some few prisoners were taken by the Piedmontese, and about 100 Italian troops in the Imperial service appear to have deserted to the Piedmontese army.

The amount of force engaged on either side is not mentioned, and would appear to have been trifling.

Yesterday, the 16th instant, the Neapolitan war steam-vessel *Archimede*, of 8 guns, brought to Leghorn, and landed 1,100 Neapolitan troops, who immediately marched to the frontier.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 288.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received April 25.)

MY LORD,

Turin, April 19, 1848.

IN a former despatch I announced to your Lordship that His Royal Highness the Duke of Parma had quitted his capital.

Since then later information has been received, stating that His Royal Highness was still at Parma, his journey having been delayed under the pretence that the Commissioner dispatched to Milan to secure his safe passage through Lombardy had not returned.

In the meantime, the Provisional Government of Parma have treated His Royal Highness with much indignity and severity, sequestering his plate, horses, carriages, and furniture, as security for a sum of 50,000 francs to be advanced to the Duke for the expenses of his journey.

The harshness of the Provisional Government was carried so far as to require that the plate used for the Duke's own table should be removed.

The conduct of the Provisional Government at Parma, and that of Milan, bears much the appearance of a preconceived plan for forcing the Duke of Parma and his son—the one virtually in a state of arrest, the other practically so, for he is guarded by 2 sentries outside of his door and another constantly in the same room with himself—to sign some document by which they shall renounce their claims to the sovereignty of Parma.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 289.—*The Marquis of Normanby to Viscount Palmerston.*

(Received April 25.)

(Extract.)

Paris, April 24, 1848.

IN the course of conversation this morning, M. Lamartine reverted to the present state of Italy. He said it was likely that Charles Albert would sustain a defeat, and that such an event would very much complicate the position of the French Government. There would be a great cry for assistance to the Italians. He begged me to state at once to your Lordship, that in the first place he was unwilling to do anything at all, unless forced by events, and then he should not wish to attempt anything except in accord with England: he had always thought that the affairs of that Peninsula could never be settled without a sort of Congress or Conference, as to which he should wish, when the time arrived, to come to an understanding with Her Majesty's Government.

That such a Congress might be held either at Rome or at Milan, or at London or Paris, if that should be preferred.

I said that I would communicate to you his idea of what events might require.

I gathered from what he had said, that he had the same view as the British Government as to the independence of Italy, and that even in the way of carrying out these views, that independence must be respected. Any plan of that kind must be met halfway by the Italian Powers, if it did not emanate from them.

M. Lamartine is determined to be no party to any unprovoked aggression.

Viscount Palmerston, G.C.B.

NORMANBY.

No. 290.—*The Sec^y. to the Admiralty to the Right Hon. E. J. Stanley.*

SIR,

Admiralty, April 24, 1848.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of a letter from Vice-Admiral Sir W. Parker, dated the 14th instant, and of its inclosures, relative to affairs in the Austrian dominions.

I am, &c.

The Hon. E. J. Stanley.

W. A. B. HAMILTON.

(Inclosure 1.)—*Vice-Admiral Sir W. Parker to the Secretary to the Admiralty.*

(Extract.)

Hibernia, Naples, April 14, 1848.

I REQUEST you will inform the Lords Commissioners of the Admiralty that a Neapolitan steam-packet arrived here at 7 A.M. to-day, by which I have received letters from Lieutenant Smyth of the *Antelope*, from Her Majesty's Vice-Consul at Trieste and the Consul at Ancona, as well as from Count de Salm, the Governor of

Trieste, of which I inclose copies, the whole relating to the important and critical state of affairs in the Austrian dominions. The *Oberon*, which conveys the mails to Marseilles, proceeds at such an early hour that I have not time to make any observations on the contents of these despatches, beyond my intention to send all the vessels at my disposal to the Adriatic for the protection of the persons and property of British subjects, of which I shall apprise the Governor of Trieste, giving him at the same time to understand that Her Majesty's naval forces cannot further interfere. The *Spartan* has been ordered to proceed at once to the Ionian Islands, and I shall direct Captain Symonds to ascend the Adriatic for the object above stated. The *Mutine* has been also ordered from Beyrout to Athens, and she shall likewise be sent on to the Adriatic, if the state of Greece is sufficiently quiet to admit of her being withdrawn with security to the English residents in that quarter.

The Secretary to the Admiralty.

W. PARKER.

(*Inclosure 2.*)—*Lieutenant Smyth to Vice-Admiral Sir W. Parker.*

SIR,

Antelope, Ancona, April 7, 1848.

I HAVE the honour to report to you that I left Trieste for Ancona, in Her Majesty's ship under my command, at 3h. 25m. P.M. yesterday, having been requested by Henry Raven, Esq., Her Majesty's Consul at Trieste, to forward the despatch which he had addressed to you through Her Majesty's Consulate at Ancona.

I also inclose a copy of Mr. Raven's letter to me, together with a despatch addressed to you by His Excellency Count Salm, the Governor of Trieste, and further to acquaint you that I arrived at this port at 10 A.M. this day, and purpose returning to Trieste immediately after performing this service.

I left at Trieste the Austrian brigs of war *Oreste* and *Montecuculi*, the *Volcano* steam-vessel, and 8 gun-boats.

I have, &c.

Vice-Admiral Sir W. Parker.

FRANCIS SMYTH.

(*Inclosure 3.*)—*Vice-Consul Raven to Lieutenant Smyth.*

SIR,

Trieste, April 6, 1848.

IN consequence of the alarming state of affairs which the Austrian dominions are placed in at this moment, owing to the declaration made by Sardinia and the Papal States, and the expected declaration of the Neapolitan Government, to which may be added the possibility of France countenancing the measures adopted and expected to be adopted against the Government of Austria, I earnestly request that you will be pleased to convey to Ancona despatches from the Austrian Government here, to be forwarded from Ancona to Vice-Admiral Sir W. Parker; judging from the present tranquillity of this town and

ts immediate vicinity, your presence, so far as regards the protection of British interests, may be dispensed with for the period requisite to perform this mission. The vast amount of British property in jeopardy from any attack made on this town, within a few hours' approach by sea or land from the Lombardo-Venetian Kingdom, and the fleets which may be expected to come from Sardinia, Naples, and other places, render it necessary for me to communicate with the Admiral with the least possible delay.

I have, &c.

Lieutenant Smyth.

H. RAVEN.

(Inclosure 4.)—*Vice-Consul Raven to Vice-Admiral Sir W. Parker.*
SIR, *Trieste, April 6, 1848.*

I HAVE the honour to forward to you the inclosed despatch from the Government here. In consequence of the news arrived this morning of the declaration of war against Austria by Sardinia and the Papal States, and the expectation that Naples will follow their example, I beg to state that I consider the immediate presence of a British ship of war is necessary for the protection of British interests at this port. There being no other safe mode of conveyance, I have requested Lieutenant F. Smyth, commanding Her Majesty's ship *Antelope*, now in this port, to proceed with these despatches to Ancona, when they will be forwarded to Leghorn by the British Consul. I consider that the large amount of British property here fully justifies me in this step, and from the present tranquillity of this town and its immediate vicinity, I see no objection to the temporary absence of the *Antelope* for the time necessary to perform the voyage and return.

The Governor having fully explained in his communication to you the important necessity of the presence of a British force, and the *Antelope* being on the point of departure, I beg you will excuse this hurried communication.

I have, &c.

Vice-Admiral Sir W. Parker.

H. RAVEN.

(Inclosure 5.)—*Consul Moore to Vice-Admiral Sir W. Parker.*
SIR, *Ancona, April 7, 1848.*

HER Majesty's ship *Antelope*, Lieutenant Smyth, Commander, arrived in this port this morning with despatches for you from his Excellency the Governor of Trieste, to be forwarded with the least possible delay. I have therefore the honour of at once transmitting them by a special courier.

The *Antelope* having come for this express purpose has started immediately for Trieste. It is strongly rumoured here that the Sardinian fleet is expected in this port, and that both the Governor of this town and the Sardinian Consul have received instructions

thereof. It is further stated that the fleet was to sail from Genoa to-morrow for the Adriatic.

I have nothing official on this subject. Here we are perfectly tranquil ; but enthusiasm is at its pitch for the independence of Italy. Troops of the line and volunteers are daily marching northward. The small Austrian garrisons of Comachio, Magnavacca, and Valuno, in these States, have capitulated to the Papal troops and civic guard ; Ferrara till holds out.

The English name stands well here, as we are supposed to wish well to the present progress and the regeneration of this country.

I have, &c.

Vice-Admiral Sir W. Parker.

GEO. MOORE.

(*Inclosure 6.*)—*The Govr. of Trieste to Vice-Admiral Sir W. Parker.*
SIR,

I HOPE you have received my last letter, 2nd April, No. 998, by which I had the honour to acquaint your Excellency that the town and port of Trieste was for the moment sufficiently protected by the Austrian navy and strand batteries against any attack that should be tried by the Venetian Provisional Government.

Now circumstances have changed. There is no more the Venetian navy alone by whom such an attack may be anticipated. The King of Sardinia and the Pope have begun hostilities against the Austrian Empire, Naples perhaps soon will follow that example, and France also would be willing to protect the Italian States and new formed Republics by an attempt against Trieste from the sea side.

Without venturing to enter into a discussion on the line of conduct to be adopted by Her Majesty's naval commanders, I beg leave to observe to your Excellency that it would not be indifferent to the British Government if other maritime Powers should play the master in the Adriatic, and if Austria, the most true and faithful ally of Great Britain, should suffer by an attack from their side, which would undoubtedly be accomplished by immense losses for British subjects and properties, of which there are great stores in the magazines of Trieste.

It is, therefore, that I have the honour to inform your Excellency of the state of things, and of the perils possibly menacing Trieste, that you may judge what, according to your instructions and powers, it would be best to do, being quite sure that if 2 British men-of-war, or any force you would deem adequate, be stationed in the port of Trieste, or cruize in the Adriatic, no one would dare to think of attacking Trieste or any other Austrian coast, or insulting Austrian ships. You would very much oblige me by a kind answer to this

letter, and much more if that answer could be a satisfactory one for the wishes expressed by me. I have, &c.

Vice-Admiral Sir W. Parker.

COUNT DE SALM

No. 291.—The Secy. to the Admiralty to the Right Hon. E. J. Stanley.
 SIR, *Admiralty, April 24, 1848.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of letter from the Sardinian Consul-General in London, dated the 19th instant, transmitting a copy of the instructions given to the officers commanding the ships of war of His Majesty the King of Sardinia, relative to hostilities with Austria.

I am, &c.

The Hon. E. J. Stanley.

W. A. B. HAMILTON.

(Inclosure.)—The Sardinian Consul to the Secretary to the Admiralty.
 SIR, *London, April 19, 1848.*

I BEG to communicate to you for the information of the Honourable Lords of the Admiralty, the following extract of a despatch from his Excellency the Minister of Foreign Affairs at Turin, dated the 9th of April, 1848:

“While passing the frontier of his States, His Majesty, desirous of manifesting distinctly the important and sole motive which led the army under his command to the territory of Lombardy, ordered that the flag hoisted should be the Italian tricolour with the escutcheon of Savoy in the centre. His Majesty has ordered that the same flag shall be hoisted on the mainmast of his ships of war, which, however, are to retain also in the usual place at the stern the blue national flag. As the national merchant-vessels are to adopt the same flag in the way pointed out, I have the honour to acquaint you with the fact for your information, and in order that you may communicate it to the authorities of the port in which you reside; requesting you to take the necessary steps that the new flag may be recognised and respected,”

I have, &c.

The Secretary to the Admiralty.

W. B. HEATH.

P.S.—I beg to add the copy of the instructions given by the Admiralty to the commanders of His Sardinian Majesty's ships.

Instructions to the following effect have been given to the Officers commanding the Ships of War of His Majesty the King of Sardinia, and have been officially communicated to the Consul-General in London.

The state of hostility in which His Sardinian Majesty's Govern-

ment finds itself with respect to His Majesty the Emperor of Austria, renders it necessary that its intentions with respect to maritime emergencies should be made manifest.

It is not the intention of His Majesty in this war to avail himself of those rights on the sea which belligerent Powers have in past times assumed to themselves.

It has not escaped His Majesty's Government that the greater part of the officers and crews of Austrian ships of war is composed of Italians, and that in a war essentially Italian, and waged solely for the purpose of expelling strangers from Italy, it is generous not to combat with Italians.

The Government therefore has instructed the Admiralty to order the Commanders of the Royal ships of war to confine themselves to their defence in case of attack by Austrian ships of war, without, however, provoking such attacks.

With respect to mercantile ships with the Austrian flag, it is the intention of the Government that they shall be allowed to pursue their voyages without molestation. But as it is possible that Austrian ships, or others under cover of the Austrian flag with the pretexts of trading, may be fitted out as privateers to molest the ships of His Majesty's subjects, or those of the Italian States allied with ours, the Commanders of the Royal ships are directed to ascertain that vessels hoisting the Austrian flag are really in the merchant service and used for traffic only, by the examination of the papers on board, or by any other mode they may deem necessary. Should there appear reasonable grounds of suspicion that they are privateers, such vessels will be conveyed to one of the ports of the State for the ulterior decision of the competent tribunals.

No. 292.—Lord Napier to Viscount Palmerston.—(Rec. April 27.)

MY LORD,

Naples, April 9, 1848.

ON the evening of the 5th instant a Neapolitan regiment of the line was embarked for Leghorn, and on the 7th there appeared in the official journal the accompanying proclamation, addressed by His Majesty the King to the people, appealing to their patriotic feelings, and promising them to march against the national enemy.

In consequence of these hostile demonstrations, which may be regarded as equivalent to a declaration of war against Austria, I sought an interview this morning with his Excellency Marquis Dragonetti, and requested him to explain the intentions of his Government.

His Excellency stated that the regiment alluded to above had been placed at the disposal of the Grand Duke of Tuscany, and would act in concert with His Royal Highness's troops, but that at the

present moment he could not state with confidence whether it was destined to cross the frontier of Lombardy or not. He added, that it had been sent at the request of the Tuscan Government, that a greater force would shortly be set on foot for the same purpose, and that another detachment would be devoted to strengthen the garrison of Ancona at the solicitation of the Holy See. The free right of passage for troops, to any number, had also been obtained from the Papal Government.

I observed to Marquis Dragonetti that Her Majesty's Government could not see without regret such an infraction of existing Treaties as would be involved in an unprovoked invasion of the Imperial territory, and asked his Excellency how he could justify his Government in engaging in a war without any valid pretext. He replied that he knew their position was one theoretically of questionable right, but that the national will was declared on the subject, and that the Government must obey the impulse given by the people. He also alleged the appeal for assistance made by the Government of Sardinia, through the channel of Count de Rignon, dispatched for this purpose to the Neapolitan Court, and the interests of the Italian League, which rendered a concert and community of policy and action imperative on the Powers of the Peninsula, though he acknowledged that the Italian League existed as yet merely as a project and matter of sentiment, and had acquired no substantial international shape.

I asked Marquis Dragonetti what were the views of the Neapolitan Cabinet as to the future disposal of Lombardy, should it be severed from the Imperial States, and whether it would be agreeable to their wishes that it should be united to the Sardinian Crown. His Excellency declared that such a settlement would be inconsistent with the balance of power between the Italian States, and that the Austrian territories must be erected into an independent kingdom. His Excellency did not, however, seem prepared to offer any practical solution of the question.

I availed myself of the same occasion to urge upon Marquis Dragonetti the expediency of embracing the same resolution in respect to the affairs of Sicily, which, by timely exertion, might still remain attached, if not to the Crown, at least to the reigning family of Naples.

I have deferred entering upon these subjects with the Neapolitan Minister for Foreign Affairs until the departure of the English squadron, in consequence of a report which has obtained some currency, that it was stationed here with the view of influencing or coercing the policy of the Government of His Sicilian Majesty.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

(Inclosure.)—*Proclamation of the King of Naples in favour of the Italian League.* (Translation.)

BELOVED PEOPLE,

Naples, April 7, 1848.

YOUR King shares with you the lively interest which the Italian cause raises in every mind, and moreover, it has been determined to contribute to its safety and success, with all the material force which our peculiar position in one part of our kingdom leaves at our disposal. We consider the Italian League as existing *de facto*, although not yet established by certain and unalterable treaties, because the universal consent of the Princes and people of the Peninsula causes us to consider it as already concluded, as the Congress which we were the first to propose is now about to meet in Rome, and we purpose to be the first to send to it the representatives of this part of the great Italian family. Already have troops been sent by us by sea, and already has a division begun its march along the coast of the Adriatic to act in concert with the army of Central Italy.

The fate of our common country will be decided on the plains of Lombardy, and every Prince and people of the Peninsula is bound to assist, and to take part in the struggle to insure its independence, liberty, and glory. We, although involved in other private necessities which keep occupied a great part of our army, intend to assist with all our naval and land forces, with our arsenals, and the treasures of the nation. Our brothers are waiting for us on the field of honour, and we shall not fail to attend there where the great cause of Italian nationality will be fought for.

People of the 2 Sicilies, unite round your Prince, let us unite so as to be strong and feared, and let us prepare for the fight with the calmness which springs from a consciousness of strength and courage. Let us confide in the valour of the army to take that part in the great enterprise which befits the greatest kingdom of the Peninsula. To make use of all our strength abroad we have need of concord and peace in the interior, and we confide in the good spirit of our national guard and the love of our people, for the maintenance of public order and observance of the laws; as, on the other hand, they must confide in our loyalty and in our love of those liberal institutions to which we have solemnly sworn, and which we intend to maintain at any, the greatest sacrifice.

By union, self-denial, and firmness, the independence of our beautiful Italy will be established. Let this be our only thought, let this generous passion silence all others less noble, and 24,000,000 of Italians will soon have a powerful country, a common rich patrimony of glory, and a respected nationality which will have weight in the political scale of the world.

FERDINAND.

No. 298.—*Consul-General Dawkins to Viscount Palmerston.*

(Received April 28.)

MY LORD,

Venice, April 19, 1848.

I HAVE the honour to inclose an article published in the "Venetian Gazette" of yesterday's date, and signed by the Secretary to the Provisional Government, announcing the passage of the Po by a portion of the Papal troops. I am assured that a body of these troops have already arrived in Padua. I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—*Article from the Supplement to the "Gazetta di Venezia" of April 8, 1848.*

(Translation.)

Venice, April 18, 1848, A.M.

THE positions of the Piedmontese army are still as before. The Austrians are encamped outside Porta S. Zeno, along the Adige.

Citizen Augusto Aglebert, captain of the staff and commissary of the Papal army with the Venetian Republic, arrived here this morning and notified to this Provisional Government the military intervention of the Papal troops, who began their passage of the Po yesterday.

Private letters which have this moment reached us from Udine, relate that yesterday, at 2 o'clock in the afternoon, General Zucchi marched against the village of Visco, occupied by the Croats, who are said to have fled after a short resistance, leaving about 40 men dead on the field.

For the Provisional Government.

J. ZENNARI, *Secretary-General.*

No. 299.—*Viscount Palmerston to Sir George Hamilton.*

SIR,

Foreign Office, April 28, 1848.

I HAVE to inform you that Her Majesty's Government feel a very lively interest in all that concerns the Duke of Parma and his duchy, and will much regret if his affairs should take an unsatisfactory turn; but at the same time Her Majesty's Government do not think that they could with propriety or usefully interfere in those matters.

I am, &c.

Sir G. Hamilton.

PALMERSTON.

No. 301.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. April 30.)

(Extract.)

Florence, April 20, 1848.

THE Grand Duke of Tuscany has been advised by his Ministers to abandon the Tuscan colours, and by a decree published in the "Gazette" yesterday, His Royal Highness adopts the Italian tricoloured flag of Independence in the war with Austria.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 303.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. May 1.)

MY LORD,

Vienna, April 24, 1848.

I HAVE the honour to transmit to your Lordship in translation, a proclamation addressed by Count Hartig to the Lombardo-Venetian States, which appeared in the "Vienna Gazette" of the 22nd of April.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—*Proclamation of Count Hartig to the Lombardo-Venetians.*

(Translation.)

IN the midst of the excitement and confusion which now prevails among you, listen to the words of reconciliation and consolation which I now address to you.

My name is not unknown to you, and I hope you have not forgotten my affection for Italy and her generous people.

Hear my voice, and be reconciled to that good Monarch who has entrusted me with unlimited power, and has graciously been pleased to give me the honourable commission of inviting you to return under his protection, which will always be able to preserve you from the terrors of anarchy and the rapacity of selfishness, and at the same time grant that freedom and those institutions which are in accordance with the spirit of the present times and the wishes of the people.

Italians of the Lombardo-Venetian kingdom, trust to my word, which I have never betrayed; hear me with that good sense and judgment which so much distinguishes you. The peace during 35 years, during a whole generation, which has been the means of an increasing prosperity, admired and envied by the Italian Peninsula, as well as by the whole of Europe, is now turned into a destructive war.

Your beautiful land has now become the scene of a fierce struggle with soldiers and volunteers of different countries, whom you invite to support your cause, which you call a holy and national cause, and place under the banner of the cross.

But what is your position?

You take from your King, at the moment that he is ready to grant you everything, the Lombardo-Venetian Crown, which 9 years ago was most solemnly placed upon his head, in the presence of your reverend bishops and the representatives of the people, under the shadow of that cross under which you now oppose him.

In the meantime your land will fall into the hands of a neighbouring Prince, who can neither by birth nor feeling lay greater claim to be called Italian, than your Monarch, Emperor Ferdinand, grandson of Peter Leopold.

Italians, &c., you have never had cause to doubt the honourable intentions and justice of your King. You say the system of Government was not in accordance with your wishes, and it appears to be at variance with your national feelings.

But not until the end of the past year did your representatives, the congregations (likewise a royal institution), make known, in virtue of their office, to your Monarch, your grievances and your wishes.

And these demands were by no means rejected, but, on the contrary, submitted to an immediate and impartial examination, with the manifest intention of your King to summon deputies from among you, to deliberate upon the best means for satisfying your just claims.

In the meantime His Majesty the Emperor determined to grant a constitution to that part of his kingdom, and made his will known in a declaration of the 15th of March, on the fixed principle of respecting the feeling of nationality in the different countries of the monarchy.

By this generous gift much more was granted than you had demanded.

How great was, therefore, the astonishment and grief of His Majesty to perceive that exactly that moment was chosen to plunge you into the terrors of war, whereby you have deprived yourselves of the effect of the good intentions of the Monarch, whom you received at his coronation with such rejoicing and magnificence.

Italians, &c., the astonishment at the attack which you made at the very moment in which everything invited you to remain on good terms with us; the unexpected transformation of a Power declared friendly into one secretly attacking us, imposed upon our troops the necessity of taking up a strong position in order to reconquer our sovereign and international rights.

The zeal of all other countries under the sceptre of His Majesty will afford us means to attain this object, for which, as you yourselves must naturally see, we shall use all our force.

Consider that, even if victory in the war is uncertain, and the final consequences doubtful, the devastation of the country, the stoppage of trade and industry, the ruin of the arts and sciences, as well as internal prosperity in years to come, is quite sure.

Consider that which your Monarch has also considered, who has sent me as a messenger of peace to you.

I can assure you in his name, that under the new order of things in the monarchy, you will richly enjoy all the political, national, and intellectual advantages which you are contending for. You will have that freedom and every other concession which your wants, your language, your inclinations, and your nationality require. The administration of your affairs will, under the superintendence of the

State, be confided to you. Laws will be established under your influence. The press will be free, and those taxes which fall upon the poor and more numerous class will be reduced.

Is it not unreasonable to wish to obtain by arms what will be granted to you without the terrors of war? Do not be deceived and led astray by the spirit of insurrection, which would be a weakness unworthy of you, but in the midst of the general confusion give place to reflection of which your spirit is capable.

Come in confidence to your Monarch, and be sure that you will be received by a father who has never ceased to love his children.

May your past false notions be effaced from your memory, and may the building of your unity be raised upon the surest foundations, so that your prosperity and nationality may be preserved.

HARTIG.

No. 306.—*Consul-General Dawkins to Viscount Palmerston.*

(Received May 2.)

(Extract.)

Venice, April 20, 1848.

I TRANSMIT to your Lordship a copy of the answer returned by the Swiss Federal Directory to the letter from the Provisional Government of Venice, which has been published in the "Venice Gazette."

Since I forwarded to your Lordship my despatch of the 7th instant, Venice has remained perfectly tranquil, but the Government is becoming daily more unpopular, and its opponents more loud. Accounts from the mainland represent the state of feeling in the principal towns as little favourable to Venice, and little disposed to acknowledge her supremacy; and the union which existed as long as the Austrians were present seems to be disappearing. It cannot be said that there is any reaction in favour of Austria, but a vast number of persons, seeing little prospect of order, and having neither a share in the Government nor confidence in its members, would offer no very violent opposition to the return of Austria with a constitutional form of government.

The Provisional authorities here have published a decree sequestrating all the property of the Archduke Viceroy of the Lombardo-Venetian Kingdom.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—*The Swiss Directory to the Provisional Government of Venice.*

MESSIEURS,

Berne, le 6 Avril, 1848.

LE Directoire Fédéral a reçu par l'entremise de son Vice-Consul la note que vous avez adressée à la date du 28 du mois passé au Président de la Confédération Suisse, et dans laquelle vous lui donnez

connaissance de la constitution d'un Gouvernement Provisoire pour la République de Venise, en exprimant en même temps l'espoir que les relations d'amitié entre la République de Venise et la Suisse continueront d'exister et se consolideront toujours davantage pour le bonheur des 2 nations.

La Confédération Suisse a toujours revendiqué pour elle le droit de se constituer librement et elle reconnaît aussi ce principe pour les autres nations. C'est donc avec plaisir que le Directoire Fédéral vous félicite, Messieurs, du rétablissement si prompt et presque sans effusion de sang de l'ordre public et d'un état de droit régulier.

Le Directoire Fédéral partage avec vous, Messieurs, l'espoir que le changement des choses, la renaissance de l'antique République des bords de la Mer Adriatique, contribueront à resserrer plus étroitement les liens entre les 2 nations, et exerceront une action salubre particulièrement aussi sous le rapport commercial.

A ces félicitations, le Directoire Fédéral joint en même temps l'assurance de sa plus parfaite considération.

Les Président et Conseil d'Etat du Canton de Berne, Directoire Fédéral, et en leur nom

Le Président, OCHSENBEIN.

Le Chancelier de la Confédération, SCHIESS.

No. 307.—Consul-General Dawkins to Visc'. Palmerston.—(Rec. May 2.)

MY LORD,

Venice, April 22, 1848.

HER Majesty's steam-ship *Spitfire* arrived here from Corfu on the 20th instant.

I have the honour to inclose a copy and translation of a notification published in the "Venice Gazette" by the Sardinian Consul-General here, stating the measures taken by the King of Sardinia for the protection of Sardinian commerce in the Adriatic and Archipelago.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—Notification issued by the Sardinian Consul-General in Venice.

(Translation.)

Venice, April 20, 1848.

THIS Consulate has received the following official notification in a recent despatch from Turin :

As the hostilities recently undertaken by the royal army against the Austrian land forces in Italy may naturally inspire the Sardinian merchant navy with some fear of aggression on the part of the ships of war or privateers of Austria, His Sardinian Majesty has immediately taken those steps necessary to tranquillize it, and to assure it of that protection and assistance of which it may stand in need.

His Majesty has therefore ordered the royal squadron forthwith to

put to sea, under the command of Rear-Admiral Albini, and the vessels composing it will be distributed in such places where their presence may be most useful.

In consequence of this determination :

The royal frigate *St. Michael*, on board of which the Rear-Admiral will hoist his flag, and

The frigate *Beroldo* will cruize in the Adriatic ;

The frigate *Des Geneys*, and the brig-schooner *Staffetta*, in the Archipelago ;

The brigantine *Daino* in the Dardanelles.

In pursuance of directions received at this Consulate, the above-mentioned determination is made known to the merchants and other subjects of His Majesty, in order that they may concert with the commanders of the said royal vessels with regard to the escort to be given to the convoys to be assembled in places agreed upon by them.

FACCANONI, *Consul-General of Sardinia.*

No. 309.—*Count Dietrichstein to Viscount Palmerston.*—(Rec. May 3.)

Chandos House, le 30 Avril, 1848.

LE Comte Dietrichstein présente ses compliments à son Excellence M. le Vicomte Palmerston, et a l'honneur de lui transmettre ci-jointe une dépêche qu'il vient de recevoir de Vienne, en date du 22 Avril, avec 2 annexes et une sous-annexe. En priant son Excellence de bien vouloir la lui restituer après en avoir pris connaissance, il saisit, &c.

(*Inclosure 1.*)—*Count Ficquelmont to Count Dietrichstein.*

M. LE COMTE,

Vienne, le 22 Avril, 1848.

J'AI l'honneur de vous envoyer copie d'un rapport du Chargé d'Affaires de l'Empereur à Munich, en date du 5 Avril, parceque c'est le meilleur moyen de vous mettre à même de porter à la connaissance du Cabinet Anglais l'objet qui y est traité, avec les détails qui seuls peuvent en faire apprécier le caractère.

Nous nous sommes empressés de répondre à l'ouverture qui nous était faite de la part du Cabinet de Turin, que n'ayant aucunement provoqué la guerre que nous faisait Sa Majesté Sarde, nous consentions à tenir la décision qu'a prise Sa Majesté comme le premier pas vers une meilleure direction, et que nous acceptons le maintien de la paix maritime que nous propose la Cour de Sardaigne. Vous trouvez ci-joint, M. l'Ambassadeur, le texte d'un extrait de la dépêche adressée à M. de Brenner, qu'il remit à M. le Marquis de Pallavicini comme réponse à la note qu'il en avait reçue.

Le Gouvernement Anglais prendra avec intérêt, nous n'en doutons pas, connaissance de ces actes, qui assurent la paix maritime entre les 2 Puissances. Nous eussions fait le même accueil à une ouverture de

la même nature de la part de la Cour de Naples, si elle nous eût été faite.

Recevez, &c.

Count Dietrichstein.

FICQUELMONT.

(Inclosure 2.)—*The Baron de Brenner to Count Ficquelmont.*

Munich, le 5 Avril, 1848.

M. LE Ministre de Russie m'ayant fait exprimer le désir, ce matin, de pouvoir me parler d'affaires, je me suis empressé de me rendre chez lui pour connaître l'objet dont il aurait à m'entretenir. M. de Sévérine me dit alors que le Ministre de Sardaigne l'avait fait sonder pour savoir s'il voulait se charger de m'engager à recevoir les ouvertures que le Marquis Pallavicini avait eu l'ordre de me faire, ordre qui lui était parvenu par un courrier arrivé hier soir. M. de Sévérine ajouta que ne connaissant point l'attitude que le Cabinet de St. Pétersbourg aura jugé devoir prendre par suite de la rupture qui vient d'éclater entre les Cours d'Autriche et de Sardaigne, il avait fait répondre à M. de Pallavicini qu'il ne se croyait pas autorisé à assumer l'office de médiateur entre les Représentants des 2 Puissances belligérantes, mais qu'il était prêt à intervenir officieusement pour faciliter les ouvertures qu'on avait l'intention de me faire. Sur ma question s'il savait de quelle nature étaient ces ouvertures, M. de Sévérine me dit qu'elles se réfèrent au désir qu'aurait la Cour de Turin de borner son conflit avec l'Autriche aux hostilités sur la terre ferme, et de voir maintenues les relations de commerce maritime entre les 2 pays dans le *statu quo* actuel.

Je répondis à M. de Sévérine que, bien qu'étant absolument sans instructions à cet égard, je ne croyais cependant pas devoir me refuser à recevoir les ouvertures qu'on m'adressait par l'intermédiaire du Représentant d'une Puissance alliée et amie de l'Empereur mon auguste maître, mais que je devais comme de raison me borner à rendre compte à mon Gouvernement de la démarche que vient de tenter le Ministre de Sa Majesté Sarde.

M. de Sévérine objectant à ce que mon entrevue avec le Marquis Pallavicini ait lieu chez lui à cause de l'attention que, dans les circonstances actuelles, ce fait pourrait éveiller chez les curieux de Munich, nous convîmes de choisir le logement de M. Voillier, Conseiller de la Légation de Russie, qui se trouve situé dans un quartier écarté de la ville, comme l'endroit le plus adapté pour me rencontrer avec M. de Pallavicini.

Vu l'urgence avec laquelle ce dernier paraissait insister à s'acquitter de sa commission, notre entrevue eût lieu encore dans l'après-midi. Le Ministre de Sardaigne me remit alors la feuille ci-jointe en original, en me disant que son Gouvernement désirait par les dispositions dont cette pièce fait mention, éloigner autant qu'il était en son pouvoir, les conséquences funestes que le conflit dans lequel la Sardaigne se

trouvait malheureusement engagée avec l'Autriche, pourrait avoir pour les intérêts du commerce maritime des 2 pays; que l'intention du Gouvernement Sarde était d'autant moins douteuse que le sort de la marine militaire Autrichienne avait été en grande partie décidé par les événements de Venise.

En recevant cette communication je me suis abstenu de toute observation sur son contenu; je me suis borné à répondre que je m'empresserais de la transmettre au Gouvernement de Sa Majesté Impériale et Royale Apostolique, dont il m'était impossible de préjuger l'accueil qu'il lui conviendra de faire à cette ouverture. Sans entrer à cette occasion dans une conversation prolongée, j'ai cru cependant m'apercevoir que le Marquis Pallavicini n'était nullement rassuré sur le résultat final de l'entreprise dans laquelle le Roi Charles-Albert vient de s'engager; qu'en cas d'une collision entre les 2 armées il s'attendait à voir l'avantage rester au Maréchal Radetzky, et qu'il paraissait fonder les espérances plutôt sur les difficultés intérieures qu'il croyait voir surgir sur tous les points de l'empire, et qui, selon lui, auraient pour conséquence inévitable de paralyser l'action du Gouvernement Impérial du côté de l'Italie.

Je dois faire observer à votre Excellence que le Comte Waldkirch, que j'ai vu ce matin, avait déjà été informé par sa correspondance de Turin, de la décision susdite prise par le Gouvernement Sarde relativement aux rapports maritimes et commerciaux avec l'Autriche, et qu'il l'attribuait aux démarches du Ministre de Sa Majesté Britannique à Turin.

Après avoir ainsi rendu compte à votre Excellence de ce qui précède, j'ai l'honneur d'y ajouter les observations suivantes.

Si je me suis permis, sans y avoir été autorisé en aucune manière, de recevoir les ouvertures du Marquis Pallavicini, ç'a été parceque je n'ai pas cru devoir repousser des avances dont il ne m'appartient pas de juger la portée, et qui, dans les intentions du Gouvernement Sarde pourraient peut-être avoir la valeur d'une première tentative d'amener une entente avec le Cabinet Impérial. J'ai pensé d'un autre côté que si la supposition d'une idée de conciliation prêtée à la démarche de la Cour de Turin était erronée, ce procédé pourrait bien décèler le côté où le Gouvernement Sarde se sent le plus gêné, et fournir ainsi des données utiles au Cabinet Impérial pour y asseoir ses calculs ultérieurs.

Je crois finalement devoir faire observer à votre Excellence que j'ai d'autant moins hésité de donner connaissance de la pièce ci-jointe à M. de Sévérine, qui m'en avait préalablement adressé la demande, qu'il avait déjà, de la part de M. de Pallavicini, été instruit de l'essence de son contenu.

Je suis, &c.

Count Ficquelmont.

BRENNER.

*No. 310.—The Marquis of Normanby to Viscount Palmerston.**(Received May 4.)**(Extract.)**Paris, May 3, 1848.*

As I had this morning occasion to see M. Lamartine, I adverted to the question of French intervention in the north of Italy. I asked him whether it was not true that Count Ficquelmont had through M. Appony, previous to his departure, expressed a willingness to make the question of Lombardy matter of negotiation. M. Lamartine assenting to this, and explaining how it had been conveyed to him, I said that I hoped this circumstance would have its effect in preventing any extreme step in the way of intervention: that in addition to other obvious reasons against it, I felt convinced from communications I had from different parts of Italy, that there was great doubt whether such a step would not be ill received by the Italians themselves; that there was no feeling at this moment so dominant among them as the desire to owe their independence to themselves alone; and that whatever might be the nature of the appeals for assistance he might have had, I could not help thinking he ought to take care that the French were not there looked upon as unwelcome intruders; but that none of these objections would apply to his attempting at once to satisfy French sympathies by prompt offers of negotiation.

M. Lamartine said that he should quite agree with every word I had said as far as Italy alone was concerned, but that he was obliged to consider France, and what she would expect and require. He further said, he could assure me that the Government were sincere in an unanimous desire not to take any step which should permanently interfere with the perfect independence of Italy.

Viscount Palmerston, G.C.B.

NORMANBY.

*No. 313.—The Hon. R. Abercromby to Viscount Palmerston.**(Received May 4.)**(Extract.)**Turin, April 29, 1848.*

By decree of the 15th instant, the Sardinian flag has been replaced by the three-coloured one, green, white, and red, with the escutcheon of Savoy in the middle, surmounted with a crown for ships of war.

The French squadron left the Gulf of Spezzia on the 27th instant.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 314.—Viscount Palmerston to Viscount Ponsonby.

MY LORD,

Foreign Office, May 3, 1848.

IN compliance with the request of Count Dietrichstein, Her Majesty's Government, on the 17th ultimo, instructed Mr. Abercromby to urge the Sardinian Government to consent to an armistice in order to afford Count Hartig an opportunity of making, and the

Provisional Government at Milan an opportunity of considering the proposition which it was understood that Count Hartig was commissioned by the Cabinet of Vienna to make. It appears, however, that Count Hartig, instead of making any proposal to the Provisional Government at Milan, has merely issued a proclamation addressed to the people of Lombardy, inviting them to send deputations to him at the head-quarters of the Austrian army, with tenders of submission to the Austrian Government. Under these circumstances, the Sardinian Government has informed Her Majesty's Government, by the Sardinian Minister at this Court, that the case has not arisen with reference to which Her Majesty's Government had recommended a suspension of hostilities; and Her Majesty's Government are compelled to acknowledge that this statement on the part of the Sardinian Government is correct.

I am, &c.

H.E. Viscount Ponsonby.

PALMERSTON.

No. 315.—Viscount Palmerston to the Marquis of Normanby.

MY LORD,

Foreign Office, May 5, 1848.

I HAVE received your Excellency's despatch of the 3rd instant, reporting what passed at the interview which you had with M. Lamartine; and I have to acquaint you that Her Majesty's Government have approved the language which you held in that interview upon the affairs of Italy.

I am, &c.

H.E. The Marquis of Normanby, G.C.B.

PALMERSTON.

No. 316.—Sir G. Hamilton to Viscount Palmerston.—(Rec. May 5.)

MY LORD,

Florence, April 27, 1848.

I HAD the honour of informing your Lordship, in my despatch of the 22nd instant, of the arrest of the Duke of Parma at Bologna.

Don Neri Corsini, in giving me this intelligence, was unable to state by whom, or for what reasons, the Duke had been arrested. In the course of the evening great alarm was spread among the Duke's friends at Florence for the safety of His Royal Highness; my assistance having been applied for, I lost no time in writing the Cardinal Legate at Bologna, to request information as to the cause of the Duke's arrest, and to express my hope that he would be allowed to continue his journey under the protection of the Cardinal. To this letter I received the very courteous reply, a copy of which I have the honour herewith to inclose. I received also a letter from the Duke of Parma, thanking me for my interference in his favour, which proved the interest that Her Majesty had always taken in himself and his family.

I likewise wrote to Mr. Petre at Rome, requesting him to wait on the Cardinal Secretary of State and ask explanations as to the Duke's arrest, and by the despatch which I have this morning received from

Mr. Petre, and which I have the honour to inclose, I am happy to be enabled to inform your Lordship that orders have been transmitted to Bologna to facilitate in every manner His Royal Highness's journey to Civita Vecchia, whence it is his intention to embark for Marseilles.

In a former despatch I stated that the Pope had given positive orders that his troops should not pass the Po, but it appears by Mr. Petre's despatch that General Durando had done so contrary to the orders of His Holiness. I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure 1.)—*The Cardinal Legate at Bologna to Sir G. Hamilton.*

EXCELLENCE,

Bologne, le 24 Avril, 1848.

LES nouvelles qui se sont répandues à Florence quant à l'arrêt de Son Altesse Royale le Duc de Parme à Bologne, ne sont pas tout-à-fait véridiques, et je vais en assurer votre Excellence par le détail exact de ce qui s'est passé.

Son Altesse traversait cette ville pour se rendre à Rome avec le consentement du Gouvernement Provisoire de Parme, qui, pour mieux garantir sa personne, chargea 2 gentilhommes distingués qui appartiennent à la Garde Nationale de l'accompagner, et ce ne fut qu'en suite de manque de prévoyance que le passage de ce Prince a causé à l'instant un peu de bruit entre le peuple.

Ce fait me mit sur mes gardes contre ce qui aurait pû avoir lieu avec la plus grande facilité dans le progrès de son voyage. Ainsi je crus qu'il fût une démarche prudente que de le retenir auprès de moi jusqu'à ce que j'aurais reçu les ordres que j'invoquai à l'instant de Sa Sainteté, qui ignorait le voyage et la direction du Prince. Son Altesse fut parfaitement d'accord à cet égard et accepta l'hospitalité que je lui offris avec des marques de satisfaction, ce qui est prouvé par la lettre de Son Altesse que j'ai l'honneur de remettre à votre Excellence ci-incluse. La réponse de Rome ne tardera pas à me parvenir, et votre Excellence en même temps sera informé ensuite de la charge qu'elle a donné à son agent.

Je me flatte que votre Excellence, aussi sage qu'elle est, sera persuadée que dans cette affaire nulle infraction du droit des nations n'a eu lieu. En attendant, je prie votre Excellence de vouloir bien agréer, &c.

Sir George Hamilton.

L. CARD. AMAT.

(Inclosure 2.)—*Mr. Petre to Sir George Hamilton.*

SIR,

Rome, April 24, 1848.

I HAVE the honour to inform you that on the receipt this morning of your despatch of the 22nd instant, touching the reported arrest of the Duke of Parma at Bologna, as communicated to you by Don Neri Corsini, I called on his Eminence the Secretary of State, who told me

that the Duke of Parma, on his arrival at Bologna incognito, imprudently gave out who he was; and it was no sooner known than large crowds began to collect, and some Parmigiani to threaten violence, but that the prudence and exertions of the Cardinal Legate prevented any ill consequences; and that His Royal Highness immediately, on the invitation of his Eminence, took up his abode in the Apostolic Palace, and became the guest of the Legate.

On the receipt of a despatch from the Cardinal Legate, stating that His Royal Highness wished to proceed to Civita Vecchia for the purpose of embarking on his way to Marseilles, his Eminence the Secretary of State immediately returned for answer that every facility which the Government of His Holiness could afford, in the present distracted state of affairs and absence of all authority, would be given to His Royal Highness, and that he hoped he would meet with no impediment on his journey, which he was of course at liberty to pursue as soon as it so suited His Royal Highness.

At Rome there was no report of his arrest, but merely that his arrival had caused some excitement, which ceased on his becoming the guest of the Cardinal Legate.

I took this opportunity of asking his Eminence if it were true that General Durando had crossed the Po at the head of the Papal troops. The Cardinal replied that he did not know it officially, but that he believed he had, and contrary to orders, but orders were not now obeyed.

The volunteers and free corps act in the same independent manner; their movements are reported in the Roman papers; and in the non-official part of the "*Gazetta di Roma*," extracts from private letters, and from the Italian journals, speak of the Papal troops and volunteers as forming part of the armament acting against the hated stranger. It would be worse than useless, it would be imprudent on the part of the Government to disown these acts, for the clubs and the journals would soon overawe it, and call out treason to the national cause, to be defended at every cost, now at the rate of upwards of seven millions of dollars a-year above the ordinary revenue.

There are at present in Rome Deputies from all the States of Italy endeavouring to induce the Roman Government to convoke a Diet under the Presidency of His Holiness, to plan an union of the whole of the Peninsula, for one sole object in the first instance—the driving out of the Austrians, and then to take into consideration the future government of the country freed from every stranger. Most, if not all these Deputies have had interviews with the Cardinal Secretary of State, but it is in the clubs that they are exerting all their influence.

Rome is tranquil. This morning I congratulated the Cardinal on its tranquillity. "Yes," he said, "it is apparently tranquil now, but

there is no governing authority, 'forza governativa;' " and then he spoke of the noble example lately given by London and the Government; such conduct, he added, must produce an effect over the whole of Europe.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 317.—Viscount Palmerston to Sir G. Hamilton.

SIR,

Foreign Office, May 5, 1849.

WITH reference to your despatch of the 27th ultimo, reporting the steps taken by you with respect to the Duke of Parma's arrest at Bologna, I have to inform you that Her Majesty's Government approve the steps taken by you on that occasion.

I am, &c.

Sir George Hamilton.

PALMERSTON.

No. 318.—Viscount Ponsonby to Viscount Palmerston.—(Rec. May 6.)

MY LORD,

Vienna, May 1, 1848.

COUNT FICQUELMONT seemed to be much pleased with the evidence of the kind feeling of Her Majesty's Government, apparent in the instructions of the 18th ultimo, which I had the honour to receive on the 29th.

His Excellency felt in the same way the kindness of the intention with which your Lordship directed Mr. Abercromby, in your instructions to that Minister, to recommend to the Sardinian Government a suspension of hostilities to enable Count Hartig to make, and the Lombards to consider, the propositions for reconciliation with which Count Hartig is charged.

I have to observe here that I do not mean to convey to your Lordship the idea that the Imperial Government adopts the idea of a suspension of hostilities. I believe that Marshal Radetzky is likely to be left to judge of the advantage or disadvantage of that measure; at the same time I have to say that I think the pacific views of the Government are still what I reported them to be in my former despatch, strongly for that result.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 319.—Viscount Ponsonby to Viscount Palmerston.—(Rec. May 6.)

MY LORD,

Vienna, May 1, 1848.

I HAVE the honour to transmit to your Lordship a copy of a note which I last night received from his Excellency Count Ficquelmont, announcing that the blockade of Venice actually commenced upon the 23rd ultimo.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure.*)—*Count Ficquelmont to Viscount Ponsonby.*

Vienne, ce 30 Avril, 1848.

LA ville de Venise ayant levé l'étendard de la révolte, le Gouvernement de Sa Majesté Impériale et Royale Apostolique, dans le but de la ramener à l'obéissance, s'est vu dans la nécessité de mettre le port de Venise en état de blocus effectif à partir du 23 du mois courant.

En exprimant l'espoir que cette mesure ne sera pas de longue durée et ne portera qu'une courte interruption dans les relations commerciales, le Soussigné, Ministre des Affaires Etrangères, a l'honneur de prier son Excellence M. le Vicomte de Ponsonby, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, de vouloir bien porter cette mesure à la connaissance de son Gouvernement.

Il saisit, &c.

H.E. Viscount Ponsonby.

FICQUELMONT.

No. 321.—Lord Napier to Viscount Palmerston.—(Rec. May 6.)

MY LORD,

Naples, April 25, 1848.

IN my despatch to your Lordship of the 9th instant I stated on the authority of the Neapolitan Minister for Foreign Affairs, that the Papal Government had requested from that of Naples a reinforcement for the garrison of Ancona, and had offered a free passage to the troops of His Sicilian Majesty through the territories of the Church.

It became apparent, subsequently, that the consent of the Holy See was neither so spontaneous nor so complete as Marquis Dragonetti had supposed, and a change of plans and delay in the commencement of active operations ensued.

In consequence of the various rumours which have prevailed on the subject, I sought an interview this morning with Marquis Dragonetti, and begged he would acquaint me, for the information of Her Majesty's Government, what were the actual intentions of His Sicilian Majesty, and what the scruples or impediments offered by the Roman Government. Marquis Dragonetti replied that the latter had positively refused to allow the Neapolitan troops to land at Ancona, or to form an encampment or concentration of forces at Bologna before invading the Imperial provinces, but that there was no objection to their passage through the States of the Church to Tuscany or Modena. The scheme of dispatching a force by sea to Ancona was therefore abandoned, and his Government had it in contemplation to send the squadron at once to Venice with 5 battalions to be landed in that city.

At the same time, a strong division would probably take its passage through the Roman territories, by the route which was left open to them by the declaration of the Papal Government.

I expressed my hope to Marquis Dragonetti that the Government

of Naples had no desire of forcing that of Rome to embrace any course opposed to its wishes, and his Excellency disclaimed all such intentions.

I also called his Excellency's observation to the speech of the Marquis of Lansdowne in the House of Lords in respect to the invasion of the Imperial dominions by the King of Sardinia, reminding him that as the House of Savoy held Genoa under the Treaty of Vienna, so did that of Bourbon possess the united sovereignty of the 2 Sicilies by the same instrument; and I recalled to his Excellency's remembrance how often that Treaty had been invoked, and stretched even, to defend what was termed the unity and integrity of this kingdom, and I contrasted the principles then asserted with the present policy of attacking an allied and kindred Power suffering from internal disorganization. I also begged Marquis Dragonetti to remark that the issue of the present struggle was by no means decided; and although appearances might promise triumph to the Sardinian arms, those of the empire might yet be strengthened to support at least an equal contest.

Marquis Dragonetti contented himself with pleading that the King of Naples could not remain idle in a national struggle, and that the dignity and security of his crown rendered it imperative on him to appear actively on the scene of war.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 322.—Lord Napier to Viscount Palmerston.—(Received May 6.)

MY LORD,

Naples, April 27, 1848.

I HAVE the honour to acknowledge the receipt of your Lordship's instruction directing me to point out to the Neapolitan Government the inconsistency and injustice of making an unprovoked war against Austria; and in conformity with your Lordship's orders, I this morning sought an interview with Marquis Dragonetti, and translated to him the terms of your Lordship's despatch. His Excellency requested to be furnished with a copy of it, which I did not feel at liberty to give, but I left it in his hands, empowering him to communicate it verbally to his colleagues, who were at the moment assembled in council in an adjoining room, and begged him to return it in the course of the day.

I had already seen M. Ferretti, Minister of Finance, on the previous evening, and being aware that this Minister, by his superior ability, has acquired a great ascendancy in the Government, I imparted to him the views of Her Majesty's Government, and requested to be made acquainted with the opinions which he entertained on this momentous question. M. Ferretti acknowledged the injustice, theoretically, of embarking in a course which had been so often and so loudly deprecated when apprehended from the part of Austria, but he

endeavoured to represent the policy of aggression as Italian, not Neapolitan, as a policy which, having been embraced already by the other members of the Italian League, must of necessity be adopted by Naples too; and he seemed, like most of his countrymen, persuaded that the Imperial power had been doomed to fall for ever in Italy, and even perhaps in Germany, under the calamities which now oppress it. He held that the Austrians could draw no strength from Hungary, and that even the Hereditary Duchies would not lend their forces to subdue the Lombards, who had merely taken their part in a common revolt against the ancient despotism. M. Ferretti also appeared to conceive that the present position of Europe was altogether exceptional and subversive of the usual laws of international relations, and that what in ordinary times would be unjustifiable, might be excused by the new combinations which had arisen, and the unprecedented pressure and constraint of the popular will.

To such views I opposed those which may be gathered from the tenour of your Lordship's instruction and the speeches of Her Majesty's Ministers in Parliament, and I endeavoured to persuade his Excellency, by a variety of arguments which it is unnecessary to submit to your Lordship, that the present movement in Europe would probably not issue in any vast territorial changes or in the overthrow of thrones, and I asserted the strong probability that unless the affairs of Lombardy were arranged by negotiation at the present time, the Sardinian forces would, at no distant period, be expelled from the Imperial territory, for the energies of Austria were merely crippled, and not destroyed, and that nothing could be more impolitic than for a weak State like Naples to trifle with the torpid strength of a Power which, though slow to arouse, had proved formidable to the greatest foes in the termination of every contest.

M. Ferretti informed me that those opinions had been advocated in the Council, but that the Government had been obliged to decide in favour of war in consequence of the representations of Sardinia and the strong public feeling for that course.

He also said that the notion of sending a large force by sea had been abandoned, and that though the squadron would be dispatched to the Adriatic, the troops would march through the Roman territory by battalions, and concentrate at Ferrara to the number of about 15,000 men, where they would be joined by the regiment which had previously gone to Leghorn.

M. Ferretti acknowledged that the Pope had refused liberty to occupy Ancona, or to make it or Bologna the basis of military operations; but he assured me that the Neapolitan forces were not forbidden access to the former city, nor passage through it.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 323.—Lord Napier to Viscount Palmerston.—(Received May 6.)

MY LORD,

Naples, April 28, 1848.

I HAVE the honour to acquaint your Lordship that I have seen the President of the Council, and obtained from him the following statement of the intentions of the Neapolitan Government.

The squadron destined for the Adriatic will not at present proceed further than the limits of the Neapolitan territory.

The troops will be disembarked at Pescara, and will march through the Roman provinces to concentrate at Ferrara, or some other position, as shall be appointed between the Papal Government and that of Naples.

Representations are, however, still being made to the Government of Rome with the view of obtaining liberty to land at Ancona, or at some other port further to the north, and should it be conceded, the troops will be conveyed thither by the squadron, which will not advance to the head of the Adriatic Sea, nor make any attempt at Venice.

The Neapolitan forces destined to go by land are now crossing the Papal frontier by battalions, they will unite with those sent by sea, at Ferrara, or at some other point, as stated above. The whole will then form an army of observation on the south side of the Po, and their ulterior movements will depend on the course of events.

M. Troja assured me that the wishes of the Holy See would be most scrupulously respected in regard to the passage of the Neapolitan troops and the occupation of the States of the Church, and he expressed his hope that Her Majesty's Government would consider the dilemma in which that of Naples is placed, to which he also trusted the Cabinet of Vienna would not be insensible, in case the Imperial arms should prevail.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 324.—The Hon. R. Abercromby to Viscount Palmerston.

(Received May 6.)

(Extract.)

Turin, April 30, 1848.

I HAVE the honour to acknowledge the receipt, by Sardinian messenger, of your Lordship's despatch of the 11th instant.

In compliance with your Lordship's instructions to communicate to the Sardinian Minister for Foreign Affairs the observations contained in that despatch relative to the policy that Sardinia has followed in commencing hostilities in Lombardy, I called upon his Excellency a few days ago, and read to him the contents of your Lordship's despatch of the 11th April.

The Marquis Pareto made hardly any observations in reply to my communication, confining his remarks almost entirely to the assertion that had not the Sardinian Government decided upon ordering the

Piedmontese army across the Tessin at the moment that it did, it would have been impossible to have preserved Genoa from revolt, and from separating itself from the dominions of His Sardinian Majesty.

I replied to the Marquis Pareto that after the loyal demonstrations that had lately occurred in the Duchy of Savoy, and the satisfactory change that was supposed to have taken place in the minds of the Genoese, I trusted that the determination of those two provinces to continue faithful to the House of Savoy would no longer be doubted.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 325.—The Hon. R. Abercromby to Viscount Palmerston.

(Received May 6.)

MY LORD,

Turin, April 30, 1848.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 11th instant, instructing me to exhort the Sardinian Government to accept the Duke of Parma's offer to enter the Italian Commercial League, and I beg to inform you that I have not failed to recommend the Sardinian Government to act upon your Lordship's advice with reference to this point. I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 326.—The Hon. R. Abercromby to Viscount Palmerston.

(Received May 6.)

MY LORD,

Turin, April 30, 1848.

I HAVE the honour to acknowledge the receipt, by Sardinian messenger, of your Lordship's despatch of the 17th instant.

I lost no time in speaking to his Excellency the Marquis Pareto upon the subject of Count Hartig's mission to Lombardy, and of the terms of reconciliation which Her Majesty's Government have been informed that the Cabinet of Vienna have instructed Count Hartig to offer to the Lombards.

I likewise, in obedience to your instructions, urged strongly upon the Marquis Pareto the desirableness of a suspension of hostilities, in order that the proposals of Count Hartig might be fairly considered by the Lombards.

The Marquis Pareto asked me if I was acquainted with the nature of the propositions which Count Hartig is empowered to make; I replied that I was entirely unacquainted with them, but that I felt that you would not have instructed me to urge their being considered had you not been led to believe that they were of a nature to justify their being maturely and deliberately weighed.

The Marquis Pareto in the course of our conversation having observed that to consent to a suspension of hostilities might very probably lead to placing the Sardinian army in a critical and danger-

ous position, as it would afford time for the arrival of Austrian reinforcements in Lombardy, I replied, that the system of armistices not being a new one, it would no doubt be easy for those conversant with military affairs to arrange matters in such a way as not to prejudice the military interests of either party, but that what I wished particularly to impress upon him was, that supposing the proposals of the Austrian Government, when known, were found to be of such a nature as to offer a chance of settling the questions in dispute between Austria and Lombardy without a further effusion of blood, it was highly to be wished that such should be acceded to; that the chances of war were always doubtful, and that any course that tended to an honourable termination of a war was not to be lightly laid aside.

I added also, that I trusted to his Excellency faithfully reporting to His Sardinian Majesty the nature of my present communication; and I expressed to him, as strongly as I could, my expectation that whenever Count Hartig's propositions came under discussion at the head-quarters of His Sardinian Majesty, he would take care that in replying to them due consideration should be had to the friendly and important advice which I had been instructed by your Lordship to offer to the Sardinian Government.

Since my interview with his Excellency the Marquis Pareto upon this affair, I have received from him a note, copy of which I have now the honour herewith to forward to your Lordship for your information.

Your Lordship will observe that in this note the Marquis Pareto argues as if I had proposed that Sardinia was to negotiate for herself independently of Lombardy, whereas what I had urged was an arrangement compromising both; and I even went so far, when opposing such an idea, in the course of our conversation, as to observe that if he asked my opinion upon the subject I was inclined to think that the Cabinet of Vienna would be more likely to address itself to the Lombards singly than to the Piedmontese, against whom it was only natural to suppose that Austria was more particularly exasperated.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—*The Marquis Pareto to the Hon. R. Abercromby.*

MONSIEUR,

Turin, le 28 Avril, 1848.

A LA suite des communications verbales que vous m'avez faites dans la conversation que nous avons eue le 27, et des réponses que je vous ai données suivant ma manière personnelle de les apprécier, en ayant référé à mes collègues pour avoir leur avis, j'ai l'honneur de vous faire part que non seulement le Conseil partage entièrement mon opinion, mais qu'il croit que nous ne pourrions honorablement entrer isolément en négociation relativement aux affaires de la Lombardie et

de la Vénétie, qu'autant que le but pour lequel nous y sommes entrés
serait atteint.

Je profite, &c.

The Hon. R. Abercromby.

L. N. PARETO.

No. 327.—The Hon. R. Abercromby to Viscount Palmerston.

(Received May 6.)

MY LORD,

Turin, May 1, 1848.

IN a former despatch I had the honour to inform your Lordship that M. Kakoschkine, my Russian colleague at this Court, had on the determination of His Sardinian Majesty to cross the Tessin with his army, applied for passports, and that he had intended to quit Turin and wait elsewhere the receipt of instructions from his Court, leaving M. de Skareatine in charge of the Russian Mission and in communication with the Sardinian Government.

Circumstances prevented M. Kakoschkine from leaving Turin, as he had proposed, but having announced his departure, he placed the direction of the affairs of the Mission in the hands of M. de Skareatine.

Two days ago M. de Skareatine received orders from St. Petersburg to break up the Russian Legation at this Court, to demand passports for himself and the other member of the Mission, and to rejoin M. Kakoschkine wherever he might be in Italy.

In consequence of these instructions, M. Kakoschkine leaves Turin to-morrow for Florence and Rome, and he will be immediately followed by the remaining portion of the Russian Legation at this Court.

The Sardinian Chargé d'Affaires at St. Petersburg has received his passports from the Russian Government, and returns to Turin.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 328.—The Hon. R. Abercromby to Viscount Palmerston.

(Received May 8.)

MY LORD,

Turin, May 2, 1848.

I HAVE the honour to inclose herewith to your Lordship a printed copy in French of a report addressed to the King of Sardinia by his Ministers, and of a decree subsequently issued by His Majesty, granting a full and complete amnesty to all the individuals against whom legal proceedings were pending in consequence of the invasion of the Duchy of Savoy on the 3rd and 4th ultimo.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—Report and Royal Decree of Amnesty.

SIRE,

Turin, le 22 Avril, 1848.

UNE procédure s'instruit par la Cour d'Appel de Savoie par suite

de l'invasion d'une partie de ce Duché qui s'est opérée par des bandes venant de l'étranger, dans les journées du 3 et du 4 du mois courant.

Le Gouvernement a sans doute le droit d'appeler la vindicte publique sur les auteurs de ce coupable attentat. Mais il est, Sire, une raison qui quelquefois parle plus haut que les exigences de la justice, c'est celle qui s'allie à la clémence et qui s'appuie sur la force morale. Cette raison nous persuade aujourd'hui de placer sous les yeux de votre Majesté deux considérations puissantes. Au moment d'inaugurer le système Représentatif dans vos Etats, il vous en coûterait certainement, Sire, de voir, à côté de cette sécurité dont nous jouissons, se poursuivre les conséquences d'inquiétudes qui ont si promptement et si complètement disparu. Il paraît ensuite que l'énergie d'action et l'accord d'opinions qui ont caractérisé les efforts des populations Savoyennes pour délivrer le pays, ne laissent aucun doute sur l'opportunité de la résolution que nous avons l'honneur de soumettre à votre Majesté. L'emploi de la clémence est un des attributs de la force, la preuve incontestable d'une juste confiance pour le présent et pour l'avenir.

Mû par ces considérations, convaincu qu'il ne fait que devancer les intentions de votre Majesté, votre Conseil des Ministres a l'honneur de vous proposer, Sire, l'adoption du décret suivant.

Nous sommes, &c.

CESARE BALBO.
L. N. PARETO.
SCLOPIS.

VINCENZO RICCI.
DES AMBROIS.
C. BONCOMPAGNI.
DI REVEL.

CHARLES ALBERT, &c.

SUR la proposition de notre Conseil des Ministres, nous avons décrété et décrétons ce qui suit :

Amnistie pleine et entière est accordée à tous les prévenus impliqués dans la procédure instruite par la Cour d'Appel de Savoie par suite de l'invasion d'une partie de ce Duché, qui a eu lieu dans les journées du 3 et 4 du mois courant.

Ceux parmi ces prévenus amnistiés qui sont étrangers seront immédiatement reconduits à la frontière.

Notre Garde des Sceaux, Ministre Secrétaire d'Etat au Département des Affaires Ecclésiastiques, de Grâce et de Justice, est chargé de l'exécution du présent décret.

Donné en notre Quartier-Général de Volta, le 25 Avril, 1848.

FRANZINI.

C. ALBERT.

Le Garde des Sceaux, Ministre Secrétaire d'Etat au Département des Affaires Ecclésiastiques, de Grâce et de Justice. SCLOPIS.

No. 329.—Mr. Peel to Viscount Palmerston.—(Received May 8.)
 (Extract.) *Berne, May 4, 1848.*

I HAVE the honour to forward to your Lordship an extract from a Swiss journal, "L'Helvétie," published under the direction of M. Stockmar, a member of the Vorort, containing the answer given by the Federal Directory to the Chargé d'Affaires of Sardinia, relative to his proposal of an offensive and defensive alliance.

The last paragraph of the answer from the Federal Directory contains the following important decree of the Diet: "Il ne sera pas donné suite à un Traité d'alliance offensive et défensive tel qu'il est proposé entre le Roi de Sardaigne et la Suisse, avec toutes ses conséquences et dans la portée indiquée."

Viscount Palmerston, G.C.B.

W. PEEL.

(Inclosure.)—The Federal Directory to the Sardinian Chargé d'Affaires.

PAR dépêche du 6 courant M. le Chargé d'Affaires de Sa Majesté le Roi de Sardaigne, agissant au nom de son Souverain et en vue des grands événements dont la Lombardie est actuellement le théâtre, a proposé à la Confédération Suisse la conclusion d'une alliance offensive et défensive entre les 2 pays.

La note de M. le Chargé d'Affaires mentionne les efforts héroïques de la généreuse nation des Lombards combattant pour reconquérir la liberté dont elle a été privée si longtemps, et reprendre son rang parmi les peuples indépendants. Il donne à considérer que la position géographique de la Suisse au centre de la grande ceinture des Alpes qui bordent la Péninsule Italique, sa tendance naturelle vers la mer, et tout particulièrement l'analogie actuelle des principes politiques, conseillent à la Suisse de cimenter avec l'Italie les rapports les plus intimes comme les plus profitables. Il ajoute que les peuples d'Italie, à peine sortis d'une longue léthargie, ont commencé une lutte d'une issue incertaine, et que la péninsule tourne ses regards vers la Confédération Suisse, comme étant la nation la plus intéressée à coopérer à un œuvre dont le but est commun aux 2 nations.

Le Directoire Fédéral s'est empressé de porter, en date du 16 courant, la note de M. le Chargé d'Affaires de Sardaigne à la connaissance de la haute Diète, et l'autorité suprême Fédérale a soumis à un mûr examen les ouvertures et propositions qui y sont contenues. En suite de ces délibérations, le Directoire Fédéral a l'honneur de faire à M. le Général Chevalier Racchia la réponse suivante.

Fidèle à son origine et aux principes auxquels elle doit son existence et la position qu'elle occupe aujourd'hui, la Confédération reconnaît à chaque nation le droit de se constituer librement, le droit

de se donner telle forme de Gouvernement qui lui plaît, d'organiser à son gré son administration selon ses besoins, sans que l'étranger ait à intervenir dans ses affaires. La Confédération a salué avec la plus sincère sympathie les efforts que les peuples font pour briser les formes surannées de l'absolutisme, et entrer dans la voie de la nationalité et de la liberté. Le réveil héroïque des peuples de l'Italie n'a pas été d'un moindre intérêt pour elle, et la Confédération se livre à l'espoir que les nouveaux élémens qui surgissent et les voies dans lesquelles l'Italie va entrer seront de nature à avancer le bonheur et la prospérité d'une nation généreuse.

Il existe toutefois des motifs extérieurs et intérieurs qui ne permettent pas à la Confédération d'accepter, dans le sens proposé, une alliance avec une Puissance voisine, et de prendre une part directe à une guerre étrangère.

Après les efforts prodigieux que la Suisse a dû faire, il y a 6 mois à peine, afin de comprimer dans son sein une ligue factieuse qui menaçait d'ébranler les bases de son existence, la Confédération a besoin du repos nécessaire pour réparer les forces dont elle pourrait avoir besoin pour faire face aux grands événements qui se préparent, et n'être pas prise au dépourvu dans le moment décisif. Il y a plus encore : l'incertitude existant au sujet de la ligne politique que d'autres états voisins se décideront, dans un prochain avenir, à suivre vis-à-vis de l'Italie, constitue pour la Suisse une nécessité impérieuse d'agir avec la plus grande circonspection, et cela à plus forte raison que la Suisse, vû sa position géographique, doit se tenir prête à des éventualités qui réclameraient une coopération positive de sa part.

La Confédération Suisse s'est imposé la tâche d'observer une neutralité consciencieuse et stricte au milieu du grand drame des nations. Dans le scrupuleux accomplissement de cette mission elle a la conscience de rendre un service marquant aux peuples dont la lutte a commencé. Car aussi longtemps que les passages des Alpes demeurent fermés, qu'une invasion par le territoire Suisse est rendue impossible, les parties belligérantes ne sont point réduites à la nécessité de disséminer leurs forces, et peuvent les concentrer tout entières sur les points les plus menacés. Si d'un autre côté l'on considère les succès qui jusqu'à ce jour ont accompagné les armes de Sa Majesté le Roi de Sardaigne et ceux dont sont couronnés les efforts des Lombards, si en présence de l'état d'épuisement où se trouve la Monarchie Autrichienne on peut prévoir, avec une presque certitude, que la Lombardie, soutenue par Sa Majesté le Roi de Sardaigne, sortira victorieuse de la lutte, la Confédération a un motif de plus de ne pas se départir. Fondée sur ces considérations, la Diète arrête :

Il ne serra pas donné suite à un Traité d'alliance offensive et
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défensive tel qu'il est proposé entre le Roi de Sardaigne et la Suisse, avec toutes ses conséquences et dans la portée indiquée.

Le Directoire Fédéral saisit, &c.

Les Président et Conseil d'Etat du Canton de Berne, Directoire Fédéral, et en leur nom :

Le Président, OCHSENBEIN.

Le Chancelier de la Confédération, SCHIESS.

*No. 330.—Viscount Palmerston to The Hon. R. Abercromby.**

SIR,

Foreign Office, May 8, 1848.

As the whole of Italy appears to have determined upon a general crusade to drive the Austrians out, it seems to Her Majesty's Government to be of no use to make any more representations on the subject of the departure of volunteer bands for Lombardy to any of the Italian Governments.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 331.—Viscount Palmerston to Viscount Ponsonby.

(Extract.)

Foreign Office, May 8, 1848.

I HAVE to instruct your Excellency to make known to the Austrian Government the strong likelihood that if matters are not soon settled in the north of Italy, the French Government may be either tempted or forced to interfere. Your Excellency will request the Austrian Government seriously to consider whether it would not be better policy, and more consistent with the real interests of the Austrian Empire, that they should at once come to some arrangement with the people of Lombardy as to the conditions on which that province should be detached from its connexion with Austria, rather than that the Imperial Government should, by waiting for doubtful successes, and for the uncertain result of military operations, run the risk of bringing a French army into the north of Italy.

There can be no doubt that the abandonment of Lombardy must involve a sacrifice of feeling on the part of the Austrian Government, but it may be questioned whether that abandonment would be productive of any real diminution of the power of the Austrian Empire, provided Lombardy either became a separate and independent State, or was to unite itself to some existing Italian State.

H.E. Viscount Ponsonby.

PALMERSTON.

No. 332.—Viscount Palmerston to the Hon. R. Abercromby.

(Extract.)

Foreign Office, May 8, 1848.

I HAVE to point your attention to the formation of a large French army on the French frontier towards the Alps, to the order of the

* A similar despatch was sent to Sir G. Hamilton and to Lord Napier.

day issued by General Oudinot, the commander of that army, and to the vote of credit of 86,000,000 of francs for the service of that force. You will draw the attention of the Sardinian Government to all these things, as indications of a probable entrance of a French force into Northern Italy, if the war there should continue; and you will point out how much it is for the interest of the King of Sardinia that such an additional complication of affairs should be prevented. But the best way to prevent it would be to bring about a final settlement between the Milanese and the Austrian Government.

It would seem, therefore, to be very desirable that the Sardinian Government should encourage and exhort the Provincial Government of Milan to enter into communications with Count Hartig with a view to settle the conditions upon which the Milanese would be willing to come to terms with Austria, either for a modified connexion with, or for an entire separation from the Austrian Empire.

The Hon. R. Abercromby.

PALMERSTON.

No. 336.—*Consul-General Dawkins to Viscount Palmerston.*

(Received May 9.)

MY LORD,

Venice, April 28, 1848.

A MESSENGER arrived here on the morning of the 23rd instant with despatches from Vice-Admiral Sir Wm. Parker for the Governor of Trieste, and as all communication by land is intercepted, I requested Commander Macdonald, of Her Majesty's steamer *Spitfire*, to convey to Trieste the despatches of which the messenger was the bearer, and I took that opportunity of proceeding myself for a day to Trieste.

I now have the honour to inclose copies of 2 despatches which I thought it my duty to write to Sir Wm. Parker from Trieste, and I trust your Lordship will not disapprove of the opinion which I therein express with regard to the presence of Her Majesty's ships in the Adriatic.

Her Majesty's steam-vessels *Terrible* and *Antelope* (the latter awaiting the arrival of Sir Stratford Canning), and Her Majesty's brig *Harlequin*, were at Trieste on the 25th instant. The *Spartan* frigate was also expected there.

Her Majesty's ship *Spitfire* returned here on the afternoon of the 25th.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure 1.)—*Consul-General Dawkins to Vice-Admiral Sir W. Parker.*
SIR,

Trieste, April 24, 1848.

I HAVE the honour to inform you that the messenger with your despatches for the Governor of Trieste, for the Vice-Consul, and for Lieutenant Smyth, of Her Majesty's ship *Antelope*, arrived at Venice yesterday morning, and the communication by land being interrupted, and no other means of conveyance offering, I requested Commander Macdonald to give the messenger a passage to Trieste in Her Majesty's ship *Spitfire*, which had arrived at Venice from Corfu on the 20th instant. I availed myself of the same opportunity to come over here for a day to learn the state of affairs, and shall return with the *Spitfire* to-morrow, the 25th, to Venice. Her Majesty's ship *Harlequin* had arrived here on the evening of the 22nd.

It appears that General Nugent is advancing in the Friuli, and has obtained possession of Udine, after, it is said, a rather severe contest. He has since advanced beyond Udine, as far as Codroipo, and the force under his orders is said to amount to about 25,000 men.

It does not appear certain whether General Nugent will endeavour to effect a junction with General D'Aspre, who is to be detached from Verona towards Vicenza, or whether General Nugent will first attempt to regain possession of Venice; should he decide upon the latter course, it is to be presumed that a simultaneous attempt will be made upon Venice by sea.

I inclose a list published in the Trieste newspapers of the vessels which are still in the hands of the Austrian Government. These would be much more than sufficient to undertake any operation against Venice, but the difficulty is the want of seamen, almost all those who were in the service having gone over to the Republic. I am assured, however, that great progress has been made in procuring a further supply from Dalmatia, and I am told that a blockade of Venice is meditated. So much delay and so great a want of union and combination is evident in the proceedings of the Austrian commanders, that I cannot venture to say anything positive on this point.

On the side of Verona it appears that Field-Marshal Radetzky maintains his position, and is daily strengthened by reinforcements which reach him through the Tyrol.

Bodies of volunteers, from the Papal and other States, have crossed the Po, and have entered the country eastward of the Mincio.

Looking solely to the protection of British subjects and property in these parts, I venture to express my opinion, as far as I am able to judge, that the presence of one ship of war here, and of one at Venice, would be sufficient at the present moment, and that the ship

to be stationed at Venice should be a steamer, on account of the difficulty, and at times almost impossibility, of a sailing vessel getting in or out of the harbour.

I have the honour to transmit* a translation of a notification issued by the Sardinian Consul-General at Venice, respecting the expected arrival of Sardinian ships of war in the Adriatic.

I do not presume to give an opinion as to the desirability of other of Her Majesty's ships temporarily visiting these parts, and perhaps looking in at Fiume and Ancona, with reference to the possible arrival of Sardinian or other ship of war.

I have, &c.

Vice-Admiral Sir W. Parker.

CLINTON G. DAWKINS.

(Inclosure 2.)—Consul-General Dawkins to Vice-Admiral Sir W. Parker.

SIR,

Trieste, April 24, 1848.

I TOOK the opportunity of coming over here yesterday from Venice, whither I return in the *Spitfire* to-morrow, and I take the liberty of writing to you a few lines privately, on the subject of the application made by the Governor of Trieste, Count Salm, for the presence here of some of Her Majesty's ships.

Looking solely to the protection to be afforded to British subjects and property under present circumstances, it seems to me that the presence of one man-of-war here, and of one at Venice is sufficient. From what I have learnt, it appears to me that the Governor of Trieste, naturally anxious under the trying circumstances in which he was for some time placed, for the presence of a friendly flag, and one which was respected, may perhaps have somewhat exaggerated the possible danger to British subjects and property.

Trieste seems to have pronounced strongly for Austria, and to be persuaded that her prosperity depends upon the maintenance of her connection with that empire, but I am of opinion that this view of the case would be much modified were the Austrians to meet with any very decided reverse, or were fresh troubles to break out at Vienna, when the task of the local Government would be most difficult.

I have taken the liberty to make these observations, in consequence of your despatch to the Vice-Consul here, announcing the arrival of the *Spartan* and *Harlequin*, and perhaps the temporary visit of the *Terrible*.

I trust, Sir, you will not consider me presumptuous in thus writing to you, but I have thought it my duty to state my opinion, lest it should appear that any undue demand was made for the presence of Her Majesty's ships, whose services you might require in other quarters.

I have, &c.

Vice-Admiral Sir W. Parker.

CLINTON G. DAWKINS

No. 341.—*Sir G. Hamilton to Viscount Palmerston.*—(*Rec. May 11.*)
 MY LORD, *Florence, May 3. 1848.*

I HAVE the honour to inclose herewith a despatch from Mr. Petre at Rome, which contains a translation of an allocution addressed by the Pope to the College of Cardinals, and which confirms the information that from private sources I was enabled to give your Lordship some time ago, of the Pope's determination not to carry war into Lombardy.

The publication of this allocution has made a great sensation at Rome, and at the departure of the post it seemed uncertain how things were to end. I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure.*)—*Mr. Petre to Sir G. Hamilton.*

SIR,

Rome, April 30, 1848.

I HAVE the honour to transmit to you, for the information of Viscount Palmerston, the following translation of an allocution addressed by His Holiness to the College of Cardinals, assembled in secret consistory, yesterday, 29th April:

“Venerable Brothers,

“Not once, venerable brothers, have we expressed our detestation in your assembly, of the audacity of some who have not hesitated to cast that wrong on us, and what is more, on this Apostolic See, that they should feign that we have turned aside from the most holy institutions of our predecessors, and not on one head (horrible to say) from the doctrine itself of the Church. But those are now not wanting who so speak of us as if we were the chief authors of the public commotions which have lately happened, not only in other parts of Europe, but likewise in Italy. From the Austrian parts, especially of Germany, we have learned that it is there spread about amongst the people that the Roman Pontiff, by emissaries sent, and by other arts employed, had excited the people of Italy to bring about unusual changes in public affairs. We have likewise learned that certain enemies of the Catholic religion hence seize the opportunity of inflaming the minds of the Germans with a fury of revenge, and of alienating them from the unity of this Holy See. Now, truly, although we have no doubt whatever but that the Catholic people of Germany, and the most worthy prelates who preside over them, are as far removed as possible from their wickedness, yet we know that it is our duty to provide against the scandal which some unwary and more simple men might hence take, and to rebut the calumny which not only may redound to the contumely of our humble person, but likewise of the supreme apostleship which we discharge, and of this Holy See. And as those, our same detractors, not able to bring forth any document of the schemes

which they palm upon us, endeavour to throw suspicion over what has been done by us in undertaking the temporal administration of the Papal rule, therefore in order that we may cut off this handle of calumny, it is our design to explain to-day clearly and openly the whole cause of those things in your assembly.

“It is not unknown to you, venerable brothers, that already from the late times of Pius VII, our predecessor, the chief Princes of Europe had taken care to recommend to the Apostolic See, that in the administration of civil affairs it should apply a more favourable rule, and one answering to the wishes of laymen. Afterwards, in the year 1831, these their counsels and desires were more solemnly made known by that celebrated Memorandum which the Emperors of Austria and Russia, and the Kings of France, of Britain, and of Prussia judged proper to send by their Ambassadors to Rome. In that writing also, amongst other things, was treated the question of calling to Rome from the whole Papal rule a Consulting Council, as well as that of restoring or of enlarging the constitution of Municipalities, and of establishing Provincial Councils; moreover, of introducing these same and other institutions into all the provinces for the common utility, and of opening to laymen the entrance unto all offices which might belong either to the administration of public affairs, or to the distribution of justice. And these two last heads were especially proposed as vital principles of governing. In other writings likewise of the Ambassadors, mention was made of a more ample pardon being granted to all, or nearly to all, who had rebelled against their Sovereign in the Papal territory.

“It is concealed from no one that some of these were accomplished by Gregory XVI, our predecessor, and some promises, moreover, in edicts, published by his order in the same year 1831. But these good acts of our predecessor appeared to answer less fully to the wishes of the Sovereigns, and not to be sufficient to secure the public utility and tranquillity throughout the whole temporal state of the Holy See.

“Therefore we, when we were first by the inscrutable judgment of God appointed in his place, not certainly induced by the advice or counsel of any one, but moved by our singular charity towards the people subject to the temporal ecclesiastical rule, we conceded a more copious pardon to those who had strayed from the fidelity due to the Papal Government, and thereupon hastened to institute some things which we had considered as conducive to the prosperity of its people. And all those things which we in the very beginning of our Pontificate performed, clearly accord with those which the Sovereigns of Europe principally desired.

“But truly after, by the good help of God, our designs were brought about, not only our own but the neighbouring people were

seen to exult for joy, and so to extol us by public signs of congratulation and respect, that we were forced to endeavour to restrain, in this fair city especially, popular cries, applause, meetings breaking out with too much violence within the line of duty.

“And there are known to all, venerable brothers, the words of our allocution to you in the consistory held on the 4th of October of the past year, by which we recommended both the paternal kindness and readier good will of Sovereigns towards the people subject to them, and the people themselves we exhorted anew to fidelity and obedience towards their Sovereigns. Nor did we afterwards omit, as much as it was in our power, to warn and to exhort all again and again, that firmly adhering to the Catholic doctrine, and keeping the precepts of God and of the Church, they should labour after mutual concord, and tranquillity and charity towards all.

“And would that the wished-for event had answered to our paternal voice and exhortations! But well known to every one are the public commotions of the people of Italy, which we have above commemorated, and also other incidents, which either out of Italy, or in Italy itself, had either happened before or took place afterwards. But if any one will contend that any way was opened to the issue of the self-same things from those which at the beginning of our sacred sovereignty were by us benevolently and kindly done, he certainly in no manner whatever could ascribe it to our work, when we did nothing else than what seemed not only to us, but also to the above-named Sovereigns, favourable to the prosperity of our temporal rule. But with regard to those who in this our State have abused benefits themselves, we, indeed, imitating the example of the divine Sovereign of Pastors, pardon them from the heart, and call them lovingly to sounder counsels, and from God, the Father of mercies, suppliantly beg that He may kindly avert from their shoulders the scourge which awaits ungrateful men.

“Furthermore, nor could the above-mentioned people of Germany be angry with us if it were not possible for us to restrain the ardour of those who, in our temporal state, resolved on applauding what was carried on against them in Upper Italy, and, inflamed by a like desire with others towards their own nation, on giving their assistance to the same cause with the other people of Italy. Since many other Sovereigns, likewise, of Europe, far more powerful in military strength than we, equally could not withstand at the same time the commotion of their people. In which condition of things we, however, willed no other command to our troops sent to the confines of the Papal territories, than that they should protect the integrity of the Papal State.

“But when now some desire that we, likewise with the other people and Sovereigns of Italy, should undertake a war against the

Germans, we have at length thought it our duty that, in this your solemn assembly, we clearly and openly declare that that is wholly abhorrent from our counsels, seeing that we, although unworthy, discharge on earth the office of Him who is the author of peace and lover of charity, and, agreeably to the duty of our supreme Apostleship, regard and embrace with equal paternal earnestness of love, all tribes, peoples, and nations. But if amongst our subjects, nevertheless, they desist not, in what manner finally shall we be able to restrain their ardour, who are dragged away by the example of the other Italians?

“But in this place we cannot but repudiate in the presence of all nations the crafty counsels made manifest by means likewise of the public journals and of various writings, of those who would that the Roman Pontiff should preside over some new republic to be formed of all the people of Italy. Yea, on this occasion, the people themselves, out of our charity towards them, we particularly warn and exhort, that they beware most diligently of crafty counsels of this kind, and pernicious to Italy itself, and that they firmly adhere to their Sovereigns, whose benevolence they have also experienced, and that they never suffer themselves to be borne from the obedience due towards them. For if they should act otherwise, not only would they swerve from their own duty, but they would likewise incur the danger of Italy itself being divided by daily increasing discords and intestine factions. With regard, however, to us, we again and again declare that the Roman Pontiff directs all indeed his thoughts, cares, and desires, that the kingdom of Christ, which is the Church, should daily increase; not, however, that the bounds should be widened of the civil sovereignty with which Divine Providence willed this Holy See to be bestowed, to protect its dignity and the free exercise of the Supreme Apostleship. Greatly therefore are they in error, who think that our soul is seduced by the ambition of a more ample temporal dominion, that we should throw ourselves into the midst of the tumult of arms. That truly would be most grateful to our heart, if by our labour, cares, and exertions, it were given to us to contribute in any way to the extinguishing of the incentives to discord, to the conciliating mutually of the minds of the combatants, and to the restoring of peace amongst them.

“In the meanwhile, we have heard with not a slight consolation to our heart, that in many places, not only in Italy but without it, in such a disturbance of public affairs, our faithful sons have not been wanting in their deference to sacred things, and to the ministers of things sacred; we were grieved, however, in our whole soul, that this respect has not been everywhere maintained. Nor can we refrain from lamenting in fine, in this your assembly, that most fatal usage, spreading particularly in our times, of publishing every sort

of pernicious writings, by which a dreadful war is carried on either against our most holy religion or the purity of manners, or civil commotions and discord are inflamed, or the endowments of the Church are attacked, and every its more sacred rights are invaded, or every most worthy man is wounded by false accusations.

"These things we have judged proper to be communicated this day to you, venerable brothers. It now remains that at the same time we together offer up, in the humility of our heart, assiduous and fervent prayers to God, best and greatest, that He may please to defend His Holy Church from all adversity, and to look down propitiously from Sion and to protect us, and that He may deign to recall all princes and people to the desire of much wished-for peace and concord."

The Consistory, in which the allocution was delivered, was called in haste, on account of the agitation and clamour of the clubs and political societies to induce His Holiness to declare war against Austria. A war committee had already been formed, composed of deputies from various clubs; and one deputy is the Duke of Rignano, Chief of the Staff of the Civic Guard.

The publication of the allocution late on Saturday night produced a most threatening appearance and language amongst the war party; and the agitation increasing this morning, the Ministers, the majority of whom are in favour of a declaration of war—and this His Holiness will not concede—have just given in their resignations, but at the request of His Holiness retain their offices until to-morrow.

How all this is to finish I know not. In the clubs many of the leading members talk still more openly than hitherto of the necessity of appointing a Provisional Government to carry on the war. The Civic Guards, who have lately shown a better spirit in the maintenance of public order, that is, when they think that their own properties are more immediately in danger, are much divided on what they deem mere political questions; and I doubt the firmness and resolution of any authority in Rome to resist or to attempt to resist the schemes of the clubs; I doubt the efficiency of these Guards; I doubt their standing by their Sovereign.

This evening, about 6 o'clock, all the gates of the town were taken possession of by the Civic Guards, and no one was allowed to go out of any of them, except out of the Porta del Popolo towards the public walk.

I have not been able to learn by whose orders these measures were taken. Some of the Guards said that they were ordered to watch especially Cardinals and other ecclesiastics.

I have, &c.,

Sir George Hamilton.

WILLIAM PETRE.

No. 344.—*The Secretary to the Admiralty to the Hon. E. J. Stanley.*

(Received May 12.)

SIR,

Admiralty, May 9, 1848.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a letter from Captain Henderson, of the *Sidon*, dated the 28th of April, reporting the departure from Naples of an expedition bound for the Adriatic, to assist the Lombards and Piedmontese against the Austrians.

I am, &c.

The Hon. E. J. Stanley.

H. G. WARD.

(Inclosure.)—*Captain Henderson to the Secretary to the Admiralty.*

(Extract.)

Sidon, Naples, April 28, 1848.

I HAVE the honour to inform you, for the information of their Lordships, that an expedition sailed from Naples for the Adriatic last night, consisting of 7 steam-vessels—5 of 300 horse-power and 2 of 200—towing 2 large frigates, a man-of-war brig, and 2 vessels laden with coals, having 4,000 regular troops, with a proportion of artillery and 700 irregular troops, embarked, part of a force of 15,000 troops intended to assist the Lombards and Piedmontese, the remainder being ordered, with permission from Rome, to march through the Roman dominions.

It was said that the force now sent by sea was to be landed at Venice, but it is thought it will really disembark at Pescara, and from thence march to Ferrara, where the whole Neapolitan line will be concentrated in observation.

The Secretary to the Admiralty.

W. H. HENDERSON.

No. 345.—*Count Dietrichstein to Viscount Palmerston.*

Chandos House, le 12 Mai, 1848.

LE Comte Dietrichstein a l'honneur de transmettre ci-jointes à son Excellence M. le Vicomte Palmerston, les dépêches Nos. 1 et 2, que le Comte de Ficquelmont lui a adressées en date de Vienne le 3 Mai, et le prie de vouloir bien lui restituer ces pièces après en avoir pris connaissance.

Le Comte Dietrichstein saisit, &c.

(Inclosure.)—*Count Ficquelmont to Count Dietrichstein.**

M. LE COMTE,

Vienne, le 3 Mai, 1848.

LES bulletins qui sont publiés par nos Gazettes vous auront successivement appris les mouvements de nos troupes en Italie. Je vais vous exposer quelle est la position telle qu'elle nous est connue aujourd'hui.

* The other despatch does not relate to Italian affairs.

Le Général Nugent a occupé Udine après avoir accordé à cette ville une généreuse capitulation ; le premier succès de son corps d'armée devait devenir la preuve d'une pensée de paix.

Dix-sept arches du grand pont du Tagliamento avaient été brûlées ; il a fallu 3 jours pour mettre ce pont en état. Le gros du corps du Général Nugent l'a passé le 30 Avril, sans trouver de résistance dans aucun endroit ; les habitans sont venus aider au rétablissement du pont ; ils se sont empressés de satisfaire aux demandes de vivres qui leur étaient faites.

Le passage de la Piave pourra retarder la marche ; les torrens sont gros ; le pont de la Piave a été aussi en partie détruit ; il faudra le rétablir.

La première ville qui fera de la résistance c'est Trévisé ; une partie des insurgés du Frioul doivent s'y être réunis ; le lieu n'est pas fort ; plus il y aura du monde, moins il résistera à un bombardement.

Nous supposons qu'au moment où le Général Nugent aura forcé Trévisé et qu'il marchera sur Mestre, le Maréchal Radetzky fera alors de son côté attaquer Vicence ; cette ville résistera peut-être davantage ; les maisons y sont plus fortes, les habitans d'un caractère plus décidé. Ces deux villes prises, Padoue devra tomber, Venise alors se trouvera bloquée par terre ; les nobles Vénitiens, inquiétés sur le sort de leurs belles possessions de terre ferme, pourraient se montrer disposés à entrer en arrangement si le blocus maritime ajoute aux difficultés de la situation de la ville.

Le Maréchal a son armée réunie devant Vérone ; les Piémontais ont fait de faibles démonstrations sur Mantoue et Peschiera. La prise de Venise favoriserait ou les négociations de paix, si les Lombards veulent les écouter, ou l'offensive du Maréchal Radetzky.

Toutes les gorges du Tyrol sont nettoyées par le Général Welden.

Les troupes régulières Pontificales ont eu l'ordre de passer le Po ; cet ordre, auquel le Pape a résisté le plus longtemps possible, vient de rompre nos relations diplomatiques ; le ménagement que nous devons à nos rapports avec le chef de l'Eglise nous avait fait supporter avec longanimité tous les événemens hostiles à Rome. Mais enfin la mesure vient d'être comblée et c'est de Rome qu'a été arboré le signe d'une croisade ; le clergé s'est mis partout à la tête de l'insurrection.

La faiblesse du Pape aura fait le mal sans que la Cour de Rome puisse avoir en elle-même aucun moyen d'agir d'une manière utile et forte sur la réorganisation d'une Italie conçue dans un autre système politique.

Recevez, &c.

M. le Comte Dietrichstein.

FICQUELMONT

No. 346.—Sir G. Hamilton to Viscount Palmerston.—(Rec. May 16.)
(Extract.) *Florence, May 2, 1848.*

SINCE I had the honour of informing your Lordship of the arrival of the Duke of Parma at Bologna, in accordance with the views of the Provisional Government advising his retirement, His Royal Highness was in the first instance received as a visitor and guest in the palace of the Roman delegate.

His Eminence, however, became so alarmed for the personal security of the Duke, on account of the state of public feeling at Bologna, that he felt himself obliged to refuse any longer to His Royal Highness an asylum, even under his own roof.

Under these circumstances, the Duke of Parma has had recourse for advice to the Grand Duke of Tuscany, who offered on the occasion every assistance in his power.

The Duke of Parma expressed a desire to embark on board a British man-of-war at Leghorn; and I have thought it right, under the circumstances, to write to the Governor of Malta, in case of the Admiral's absence, to cause a British steam-vessel to go to Civita Vecchia for the purpose of taking the Duke of Parma to Marseilles.

Having acted in accordance with the suggestions of the Grand Duke and the Delegate at Bologna, and as I am not able to receive your Lordship's instructions, I trust that the course I have pursued will meet with the approbation of Her Majesty's Government.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 347.—Sir G. Hamilton to Viscount Palmerston.—(Rec. May 13.)
MY LORD, *Florence, May 5, 1848.*

I HAVE the honour to inclose 2 despatches from Mr. Petre, dated May the 2nd and 3rd, relating to the ferment created at Rome by the Pope's allocution in the Consistory, disapproving of, and refusing to declare war in Lombardy, which was increased by a brief issued from the Quirinal Palace, calling upon the inhabitants of the city to respect their Sovereign and listen to wiser counsels.

The Civic Guards took possession of all the gates of Rome, the Castle of St. Angelo, and powder magazine.

The Cardinals were confined to their palaces, and not allowed access to the Pope.

The Ministry which had resigned consented to take office provisionally.

The influence of the clubs has been directed to the expulsion of the Cardinals Antonelli and Vizzardelli from the Government, to which are added cries of "Out with the Austrian Ambassador!" whose embassy, it is feared, will be attacked.

Some fear also exists that an attack will be made on the Jews, now that the Ghetto is no longer protected by walls and gates.

The Roman Minister at Florence has expressed his opinion that whatever may be the consequence, nothing will induce the Pope to alter his determination, and agree to allow any administration to declare war against Austria with his sanction.

I need not call your Lordship's attention to the importance of this decision, if it continues to be the policy of the Pontiff, and on this he appears to have shown determination.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(*Inclosure 1.*)—*Mr. Petre to Sir G. Hamilton.*

SIR,

Rome, May 2, 1848.

WITH reference to my despatch of the 30th instant, I have the honour to report to you, for the information of Viscount Palmerston, that yesterday evening an "Official Notice" was put forth previously to the publication of the "*Gazzetta di Roma*," stating that "His Holiness having accepted the resignation of the Ministry, had made dispositions for the formation of a new Ministry." "But," continues the notice, "as these attempts have not yet succeeded, His Holiness has signified to the Ministers who resigned his desire that they should remain in office, authorizing them to continue frankly in the exercise of their attributions. The substitute of the Minister of Interior, who had also given in his resignation, remains in office with the Minister. The Ministry, with its President, unanimous to-day as formerly on all questions, occupies itself with an Italian mind about those measures which in the actual state of things are in its conscience considered necessary and useful to the good of the State and of the Italian cause."

In my last despatch I mentioned that the Civic Guards had taken possession of the gates of the town, but that I could not learn by whose authority. It appears that the chief of the staff of the Civic Guard gave his permission rather than his sanction to this act. They likewise took possession of the powder magazine and of the Castle of St. Angelo.

Yesterday morning a party of Civic Guards, headed by Ciceruacchio, seized at the Post Office, in spite of the resistance of the Director, the letters, after the arrival of the mails, addressed to the Cardinals, and some others, and deposited them, under seal, in the Capitol, and desired the Senator Prince Corsini to examine and read them to the populace assembled in the square. This was of course refused. In the meantime the Ministry having been formed anew, Prince Simonetti, the Minister of Finance, came as his first duty, he said, to claim these letters, for he would ever maintain the

inviolability of private correspondence. Resolute against all clamour, he took back the letters to the Post Office. In the evening another attempt was made to seize the correspondence of Cardinal Antonelli, the Secretary of State, on the departure of the courier, but I believe it was successfully resisted, and some of the Civic Guards accompanied the courier a short way out of the gate. At some of the gates no one was allowed to go out, or to enter during the whole of the day, and, as it appears, at the caprice of the particular officer on duty, for there were no general orders. The Cardinals were watched and guarded in their houses, and some were not permitted to proceed to the palace, when sent for by His Holiness. Those who were, were hooted by the populace.

A brief of His Holiness, in the form of a letter to the Romans, was affixed early this day on many church doors; it referred to his late allocution, and called upon his misguided subjects to return to their duty; but it was soon torn down.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

(*Inclosure 2.*)—*Mr. Petre to Sir G. Hamilton.*

(Extract.)

Rome, May 3, 1848.

IN the closing paragraph of my last despatch of the 2nd instant, I mentioned that a brief of His Holiness, having reference to his allocution of the 29th ultimo, had been torn down soon after it had been published. This brief did not appear in the "*Gazzetta di Roma*" of the evening. It was not printed by the Government printer, but at the press of the Secretary of State's office in the Quirinal Palace. In the course of the day, however, copies privately printed were circulated, and increased the exasperation of the clubs and of their adherents. The following is a translation of the closing passages of the brief:

"No one is ignorant of the words pronounced by us in the last allocution, that is, that we were averse from a declaration of war, but at the same time we averred that we were incapable of restraining the ardour of that portion of our subjects who were animated by the same spirit of nationality as the other Italians. And here we will not conceal from you that we did not forget, even in such circumstances, the cares of a Father and of a Sovereign, providing in a manner in which we considered most efficacious for the greatest possible safety of those sons and subjects who were exposed against our will to the chances of war. Our words above alluded to have awakened a commotion which threatens to break out into acts of violence, and not respecting even persons, heading on every night attempts (O Great God, our heart shudders in uttering it) to stain the streets of the capital of the Catholic world with the blood of

those venerable persons, innocent victims, to satiate the unbridled wills of those who will not reason. And shall this be the recompense which a Sovereign Pontiff looked for in return for the multiplied acts of his love towards the people? 'Popule meus quid feci tibi?' Do not these unhappy beings perceive that besides the enormous crime by which they would stain themselves, and the incalculable scandal which they would give to the whole world, that they would but injure the cause which they seek to carry on, filling Rome, the State, all Italy, with an infinite series of evils? And in this or like cases (which God keep distant), could ever the spiritual power which God has given us remain idle in our hands? Let all know for once that we feel the greatness of our dignity and the strength of our power.

"Save, O Lord, your Rome from so many evils, enlighten those who will not listen to the voice of your Vicar, reconduct all to sounder counsels, so that obedient to him who governs them they may pass less unhappily their days in the exercise of the duties of good Christians, without which it is not possible to be either good subjects or good citizens.

"Datum Romæ apud S. Mariam Majorem die prima Maii, MDCCCXLVIII. Pontificatus nostri anno secundo."

Several Cardinals have taken refuge in the Quirinal Palace, and are now living there.

I know not how long the re-established Ministry is likely to last, the cries are "Out with the Cardinals!"—Antonelli, Secretary of State, and Vizzardelli, Minister of Public Instruction. The person whom they wish to place at the head of the Ministry is Count Mamiani.

The cries are becoming more frequent of "Out with the Austrian Ambassador!" and it is to be feared that another attack will be made on the embassy.

I am equally afraid of some serious outrage against the Jews; for some of the lower classes are indignant that the Government should have pulled down the walls which separated the Ghetto from the town. The gates have not been shut since shortly after the accession of the present Pope, and the Minister of Police pulled down the gates, though with the consent of the Cardinal-Vicar, with great ceremony by torchlight, and, as was remarked, in Holy Week. A few days after were written on some church walls these words—"Morte a Gesù! Viva Barabba!"

Strong patrols of Civic Guards nightly guard the Ghetto.

Sir George Hamilton.

WILLIAM PETRE.

No. 350.—*The Hon. R. Abercromby to Viscount Palmerston.*

(Received May 14.)

MY LORD,

Turin, May 8, 1848.

I HAVE the honour to inform your Lordship that the first session of the first Sardinian Parliament was this day opened by a speech from the throne, delivered by His Serene Highness the Prince of Savoy-Carignan, as Lieutenant-General of the kingdom, during the absence of His Sardinian Majesty from his States.

The ceremony commenced by the Lieutenant-General taking the oath to preserve and faithfully to obey the fundamental Statute of the 8th February of this year. The roll of senators was then called, and each member individually took the same oath.

The same course was pursued with regard to the deputies, after which the Prince read the speech from the throne; a copy of which I herewith forward to your Lordship, printed in Italian, in order to save time.

Two paragraphs called forth strong marks of approbation.

The first related to the hope expressed, that a common accord would bind together the people of Italy, which nature had destined to form one sole nation; the second declared, that should the desired fusion with other parts of the Peninsula be brought about, such changes in the law will be proposed as may suffice to render more important the destinies of this country, and to reach that degree of power to which Providence desires to conduct it for the welfare of Italy.

Your Lordship will also perceive that the recognition of Queen Isabella of Spain has found a place in the speech from the throne.

The ceremony was conducted with much order and regularity.

The members of the Diplomatic Body had a box reserved for them in the gallery on the right of the throne.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—*Speech of the Prince of Carignan at the Opening of the Sardinian Parliament, May 8, 1848.*

SENATORS, DEPUTIES,

(Translation.)

I COME in the name of the King to open the first session of the National Parliament.

Providence calls us to inaugurate the representative system in our country at one of the most memorable epochs for Italy and for Europe.

Though environed by a gloomy horizon, we, united by mutual love and confidence between people and Sovereign, have received in peace from the wisdom of the King those reforms and institutions which secure the strength and freedom of our country.

[1848—49.]

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But our internal contentment being disturbed by the sorrows of our Italian brothers, trodden down by the foreigner, the nation rose up in indignation, and pressed round its chief to support the honour and independence of Italy.

At length God has blessed our arms ; the army, as admirable for its discipline as for its bravery, has added new glory to its ancient renown ; the Cross of Savoy, engrafted on the banner of the Italian Union, waves over the banks of the Adige.

Our navy has sailed from Genoa ; if it meets with enemies, I have full and personal confidence that it will show itself worthy of our glorious King—of our glorious army.

The ardour of our soldiers in the field amid the fatigues of war, the rapid formation and noble conduct of the provincial militia in the interior, the harmony of opinions and desires on all sides prove the strength of patriotism throughout the country, and show how powerful the nation is, and how truly it is prepared for its high destiny.

Sardinia, rejecting the fatal heritage of ancient privileges, wished to be united by closer ties with the mainland, and was received by the other provinces like a beloved sister.

Savoy, a cause of momentary pain, was soon an occasion of true consolation. The Savoyards have shown themselves worthy sons of their country, the firm bulwark of Italy.

Liguria, more recently united to those subalpine regions, clings to them with a force which becomes every day stronger, a new guarantee for the salvation of Italy.

All the foreign Powers whose form of Government is like our own, and those in which the people themselves rule the State, testify their sympathy with us.

The diplomatic relations with the Constitutional Government of Spain, which have been for a time suspended, have been renewed.

In Italy, the disunited parties are daily tending to a closer approach, and there is hence a firm hope that a common tie may join the people whom nature destined to form one sole nation.—
(Loud cheers).

Gentlemen, the King's Government feels the importance of the mission to which it is called in such difficult times, so pregnant with futurity. As it had the courage to assume the mission, it will have the courage to carry it out.

You will lend it your aid in consolidating and completing the work of regeneration which it has undertaken. Europe, which has its eyes upon us, will see us vanquish difficulties inseparable from the commencement of a new life, by means of a power always invincible, that of union.

The Ministry will present to you the financial statement for the

year 1849, and at the same time will bring before you the requisition indispensable to meet the heavy expenses required by the present circumstances, and by the reduction of the salt duty.

The reform of the legislation of the country, which was the first care of the King on coming to the throne, will be completed by a code of civil procedure, and by the establishment of judicial institutions rigorously adapted to the constitutional system.

There will be brought before you the draft of a law on the Council of State, which will determine the consulting powers of that body. Another draft is in preparation to put the municipal and provincial institutions in accordance with our political ordinances.

The organization of public institutions, on which the best hopes of the country are founded, will be submitted to your consideration. Other drafts will also be submitted to you for the revision of the laws on the forests, waters, and roads, as well as for the improvement of the other branches of the administration, and for adapting the existing laws to the new form of Government, in order that the principles of liberty and progress by which it is animated be diffused on all sides, to vivify all the parts of the social body, and especially for the moral and economic welfare of the more numerous classes.

If the desired union with the other parts of the Peninsula shall be effected, such changes in the laws will be promoted as may be available to aggrandize our future fortunes, and to carry us on to that degree of power which, for the welfare of Italy, Providence wishes us to attain. (Loud cheers.)

Gentlemen, in entrusting to me the high charge of representing him among you, the King commands me to express to you his good will, and to assure you of the profound confidence which he places in your intelligence and devotion to your country. You are fully sensible how dear it would have been to his heart to open in person the new era which is dawning upon us through his noble wisdom; the necessities of the war compel him to sacrifice this pleasure.

May God grant a speedy and victorious return to him whom I regard as a father, and to whom the nation is indebted for so many blessings.

No. 351.—The Hon. R. Abercromby to Viscount Palmerston.

(Received May 14.)

MY LORD,

Turin, May 9, 1848.

THE new Roman Cabinet is composed as follows:—President of the Council, Cardinal Ciacchi; Minister for Foreign Affairs, Signor Marchetti; Minister of Finance, Advocate Lunati; Minister of the Interior, Marquis Mamiani; Minister of War, Prince Doria; Minister of Public Works, Duke of Rignano; Minister of Police, Advocate Galletti.

Cardinal Orioli to act as President of the Council until the arrival of Cardinal Ciacchi from Ferrara.

Your Lordship is aware, no doubt, that His Holiness the Pope has published a second declaration in Italian, confirming the views he had announced in his late encyclical letter with regard to the declaration of war against Austria.

It is supposed now, to avoid further complications and difficulties between His Holiness and his subjects, that on the one side His Holiness will remain satisfied with the declarations he has made upon this subject, and that the Roman people, on the other, will consider that His Holiness, by leaving the prosecution of the war to the responsibility of his Ministers, gives a sufficient acquiescence to their will.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 353.—*Consul-General Dawkins to Viscount Palmerston.*

(Received May 15.)

(Extract.)

Venice, May 6, 1848.

I HAVE the honour to transmit to your Lordship a copy of the supplement to the "Venice Gazette" of yesterday evening, containing an announcement dated the 3rd instant, copied from the Trieste paper, the "Lloyd Austriaco," of the blockade of Venice by an Austrian squadron.

I do not know what amount of force the Austrian Government may be able to employ for the maintenance of this blockade, but an Austrian barque under Austrian colours arrived in this port yesterday morning the 5th, with a cargo of sugar from America, without having seen or heard of the blockading squadron, or being aware of the existence of a blockade. This vessel belonged to the port of Venice.

Later in the afternoon another Austrian merchant-vessel, under Austrian colours, took shelter in this port without any impediment.

The Neapolitan steamers whose expected arrival here I mentioned in my despatch of the 28th ultimo have not yet made their appearance. It is said they will be accompanied by 2 frigates and a corvette; and a person in the employment of the Provisional Government here has left for Venice on board of an English merchant-vessel homeward bound, with despatches for the Commander of the Neapolitan expedition, to be delivered in the event of his falling in with it.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—*Announcement from the Supplement to the "Gazzetta di Venezia," of May 5, 1848.*

(Translation.)

Venice, May 5, 7 o'clock, P.M.

WE read the following notification in the "Lloyd Austriaco" of the 4th instant :

Trieste, May 3, 1848.

The Government of His Majesty the Emperor and King, in consequence of the events of Italy, and in connection with the measures of war which it has been necessary to put into operation against the provinces of the Lombardo-Venetian kingdom in rebellion against their Sovereign, has decided to place Venice in a state of blockade ; hence ships and vessels of every sort are interdicted from repairing thither, and are warned that, in the contrary case, they will be driven back by force of arms.

An Austrian squadron has already taken post in those waters for the maintenance of the blockade. This is publicly notified, in obedience to an order from his Excellency the Minister of the Interior, dated the 28th of April.

The above has been already communicated to Foreign Powers by his Excellency the Minister for Foreign Affairs.

The Governor of the Austrian-Illyrian Coast,

ROBERT COUNT SALM.

No. 355.—Sir G. Hamilton to Viscount Palmerston.—(Rec. May 17.)

MY LORD,

Florence, May 8, 1848.

I HAVE the honour to transmit a despatch from Mr. Petre at Rome, announcing officially the list of the new Ministry presided over by his Eminence Cardinal Ciacchi, in spite of the cries of the clubs against an ecclesiastic in the Administration.

Much anxiety is felt, Mr. Petre says, to learn the effect produced on the provinces by the Pope's allocution. Up to this date, from what I have been able to hear, the most perfect tranquillity prevails both in Romagna and in Tuscany.

Her Majesty's Consul at Ancona, in a letter dated May 5th, informs me that a Neapolitan steam-vessel of war has arrived at Ancona, with 500 civic guards on board from Naples, destined for Lombardy.

On the following day, the 5th instant, 2 more steam-vessels of war and a brig arrived also with troops of the line, and another steam-vessel was in sight, towing a frigate or corvette. It was reported that 6,000 Neapolitans would be landed at Ancona. The arrival of the Neapolitan artillery by land was hourly expected.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure.)—*Mr. Petre to Sir G. Hamilton.*

SIR,

Rome, May 5, 1848.

I HAVE the honour to acquaint you, for the information of Viscount Palmerston, that the "Gazzetta di Roma" of yesterday evening officially announces the appointment of the new Ministry, constituted as follows:

Cardinal Ciacchi, President of the Council of Ministers, and for the interim, his Eminence Cardinal Orioli; Count Marchetti, Minister for Foreign Secular Affairs; Count Mamiani, Minister of the Interior; Signor De Rossi, one of the Consulta di Stato, Minister of Grace and Justice; Signor Lunati, of the Consulta di Stato, Minister of the Finances; Prince Doria Pamphili, Minister of Arms; Duke of Rignano, Minister of Commerce and of Public Works; The Advocate Galletti, Minister of Police.

You will observe that spite of the cry of the clubs against ecclesiastics, which broke up the late Ministry, the President of the Council is a Cardinal; but that contrary to the motuproprio of the 31st December, as reported in despatch of that date, the Minister for Foreign Affairs is a layman, and the secular will be separated from the ecclesiastical affairs. It is probable that the President for the interim of the Council of Ministers, Cardinal Orioli, will be named for Ecclesiastical Affairs. His Eminence is a theologian of repute.

Cardinal Ciacchi, now Legate at Ferrara, was Legate of that province when the town was occupied by the Austrians in August last.

Count Marchetti, one of the Consulta di Stato, Deputy of Bologna, is an old and intimate friend of His Holiness.

The Duke of Rignano and the Advocate Galletti were of the late Ministry.

There is much anxiety to hear what effect will be produced by the publication in the provinces of the allocution of the 30th ultimo and of the brief of the 2nd instant, which latter has not been given in the Roman journals. Amongst the common people in Rome a faint murmur is already heard against the clubs.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 357.—Viscount Ponsonby to Viscount Palmerston.

(Received May 17.)

(Extract.)

Vienna, May 12, 1848.

I HAVE the honour to inclose the draft of a proposition made by ————. I find it impossible to write more at this moment, than to tell you that it has been communicated to the Nuncio, who has given his warmest support to the idea.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Plan for the Pacification of Italy.

Le développement du principe de la nationalité est incontestablement la principale cause motivée des événements que nous avons vu et que nous voyons encore surgir en Europe. L'on court risque de ne pas comprendre la marche de ces événements, si on ne cherche pas les motifs ailleurs que dans le sentiment inné dans l'homme qui peut rester comprimé pendant quelque tems, mais qui, une fois réveillé, brise tous les obstacles et triomphe sur toutes les difficultés.

C'est ainsi que deux erreurs accréditées même dans des esprits supérieurs empêchent de juger sainement la question de l'Italie, et de chercher sa solution là où elle serait possible. En Autriche on accuse assez généralement le Pape Pie IX d'avoir excité les passions des Italiens—on lui suppose une haine acharnée contre l'Autriche, et on lui attribue la part la plus active dans le vaste projet de l'expulsion des étrangers d'Italie; on accuse le système qui vient de crouler d'avoir excité le mécontentement de ses sujets Italiens par une administration pesante et peu intelligente, par le refus des concessions les plus justes, demandées dans les voies légales, et il y a assez de gens de bonne foi qui croient que si on avait voulu écouter dans les derniers temps, des réclamations fondées, et accorder ce qu'on ne pourrait plus refuser, on aurait éteint l'incendie, ou pour mieux dire on l'aurait empêchée d'éclater.

Je veux admettre que les nobles efforts de Pie IX afin de relever le caractère de la nation, en accordant des réformes dont toutes les parties reconnaissent la nécessité, ont contribué à hâter l'explosion du sentiment de la nationalité; que le malheureux incident de Ferrare a donné le prétexte aux ennemis de l'Autriche de l'accuser d'une intervention dans le but de maintenir les anciens abus contre lesquels elle avait si souvent protesté; que si, enfin, le Gouvernement avait accordé à temps des demandes justes et raisonnables, il aurait ôté aux malveillans des armes puissantes, et aurait pu retarder le soulèvement général; mais il n'en est pas moins sûr que le germe longtemps enfoui de la nationalité Italienne, réveillé par les efforts de la "Giovane Italia," aidé par les écrits de Gioberti et de Balbo, et de tout autre, secondé par le mouvement du siècle, aurait rompu toutes les entraves et aurait toujours produit les événements dont nous sommes les témoins, car le cri universel de "morte ai Tedeschi!" n'a pas éclaté en Lombardie ou dans le Vénitien, mais il est parti du fond de la Sicile, où l'Autriche n'avait jamais exercé une influence oppressive, et a traversé toute la Péninsule, pour arriver jusqu'au Tyrol Italien, qui semblait sincèrement attaché à la monarchie.

Ce n'est donc pas une haine motivée qui a fait pousser ce cri odieux, mais seulement la conviction que la présence des Allemands en Italie était le seul obstacle à la régénération de la nationalité

Italienne. Ce fait une fois établi, on se trouve plus à portée de juger la situation actuelle et de chercher les moyens les plus propres à la changer. Si l'on veut flatter les passions populaires on pourra même avec raison parler de châtier la perfidie, d'exercer une juste vengeance, de réhabiliter l'honneur de l'armée; on trouvera des échos même dans les cœurs les plus généreux et les esprits les plus cultivés; mais l'homme d'état doit considérer l'avenir et mettre dans la balance les intérêts durables de son pays contre les impulsions du moment; il doit donc envisager la question sous le rapport de l'influence que la prolongation de cette lutte entre la nationalité Autrichienne (car il n'est pas question de l'Allemagne) et la nationalité Italienne devrait avoir sur les intérêts les plus vitaux de la monarchie. Les chances mauvaises sont possibles dans toutes guerres, dans celle-ci elles seraient d'une portée incalculable; mais en admettant les hypothèses les plus hasardées, c'est-à-dire, que l'insurrection de la Lombardie soit étouffée, que les Piémontais soient refoulés dans leurs positions, et que les Français soient restés tranquils spectateurs de cette lutte, qu'en résulterait-il pour l'Autriche? La possession de provinces appauvries, qui pendant de longues années ne couvriraient pas les frais de l'occupation militaire indispensable pour les contenir, l'affaiblissement de la Monarchie dans toutes les questions relatives à la France et à la Russie, par la nécessité d'entretenir une armée de 100,000 hommes dans le Royaume Lombard-Vénitien, afin de garder les Provinces du Tyrol, du Littoral, et de la Carniole, contre les attaques des ennemis du dehors et de l'intérieur; ainsi, sous le rapport politique, financier, et militaire, et plus que tout, sous le rapport moral, diminution des forces réelles, complication d'intérêts, et lutte, quelquefois sourde, quelquefois ouverte, mais incessante, contre une nation de plus de 20,000,000 hommes réunis par la même langue, la même religion, les mêmes espérances.

Si tel est le tableau véridique de la situation et des causes qui l'ont amenée, ce n'est que dans ces causes que l'homme d'état doit chercher les moyens d'y porter remède. Le premier de tous est dans la reconnaissance franche et loyale de la nationalité Italienne, mais non d'une nationalité provinciale qui se limiterait à accorder à la Lombardie et au Vénitien ce que l'Empereur a accordé à tous les pays qui composent la Monarchie; c'est-à-dire, une administration provinciale et communale indépendante, et les droits sanctionnés par la constitution en bienfait, qu'il y a 2 ans auraient pû assurer la domination de l'Autriche en Italie, ne suffiraient plus maintenant; le vœu hautement prononcé par tous les Italiens, et dont la réalisation peut seule amener une pacification durable, c'est la "*Lega Italiana politica e commerciale*," c'est-à-dire, une confédération qui assurerait l'unité des pays qui composent l'Italie dans toutes les

questions politiques et commerciales : quiconque connaît le mouvement des esprits et leur tendance en Italie, ne saurait avoir le moindre doute à cet égard, mais il est également impossible de se dissimuler combien il serait difficile pour l'Autriche d'accéder à un pareil arrangement dans la position actuelle de la question, car dans le cas où elle serait dans la nécessité de renoncer au Royaume Lombard-Vénitien, elle ne pourrait pourtant pas sanctionner la formation d'une Confédération dont la tendance serait nécessairement hostile envers elle, de même que dans le cas où les événements de la guerre la mettraient en possession de ces provinces, elle ne pourrait pas les faire entrer dans la Confédération Italienne, au risque de les voir suivre une tendance qui pourrait être en opposition directe avec les intérêts du reste de la Monarchie.

La solution de ces immenses difficultés ne peut se trouver que dans une idée grande et généreuse, féconde en beaux résultats, et qui me paraît digne d'occuper tous les esprits sérieux. Il faudrait que l'Autriche déclarât qu'elle reconnaît le principe de la nationalité Italienne, qu'elle veut contribuer de tout son pouvoir à la formation de la Confédération Italienne sur les bases les plus nationales, mais à condition que cette Confédération déclare sa stricte et permanente neutralité Européenne, et que l'Europe sanctionne cette neutralité, ainsi qu'elle l'a fait pour la Suisse en 1815.

Cette déclaration devrait être faite au Gouvernement Anglais en lui demandant sa médiation, et au Pape, qui, comme Souverain temporel et comme chef de la religion Catholique, trouverait dans cette grande mesure les moyens de se tirer des embarras qui le menacent, et parmi lesquels un schisme en Allemagne n'est pas le moins présent et le moins funeste dans ses conséquences.

La promulgation de cette déclaration de l'Autriche devait donc se faire par la Puissance médiatrice, qu'on ne saurait accuser la loyauté, et le Pape devait l'appuyer de toute l'autorité morale que sa position lui donne. Cette promulgation devrait être suivie d'un armistice dont les bases seraient que les troupes Autrichiennes resteraient sur la ligne de l'Adige, et que les Piémontais et les corps francs et auxiliaires resteraient dans leurs cantonnements ou se retireraient dans leurs frontières, aux choix des Lombards. Cet armistice durerait jusqu'au moment où les Grandes Puissances de l'Europe et celles qui composent l'Italie se seraient déclarés sur la question de la neutralité. Pendant la durée de cet armistice on convoquerait tous les conseils communaux qui sont élus par les suffrages des citoyens dans tout le Royaume Lombard-Vénitien, et on leur poserait la question, s'ils préfèrent entrer dans la Confédération Italienne sous le suzeraineté de l'Autriche avec un Archiduc pour Viceroy, mais avec une représentation nationale, une constitution, et un code de lois voté par cette représentation, et jouissant

des bienfaits de la paix que la déclaration de neutralité assure à toute l'Italie ; ou s'ils préfèrent l'indépendance absolue, et dans ce cas quel serait le dédommagement qu'ils offriraient à l'Autriche pour le sacrifice des droits que les Traités les plus solennels lui ont assurés.

Il ne faut pas perdre de vue la réflexion très importante que cette votation des communes se ferait non plus sous l'impulsion de la haine, mais sous celle de la reconnaissance ; car l'homme le plus acharné contre l'Autriche ne saurait méconnaître la noble et magnanime tendance de la neutralité permanente.

Du moment où le principe de la nationalité serait mis à couvert, le souvenir du bien-être matériel dont le Royaume Lombard-Vénitien a joui sous la domination de l'Autriche se réveillerait avec force, et les 2 grands mobiles, qui, quoiqu'opposés en apparence se combinent de la manière la plus extraordinaire dans toutes les actions des Italiens, c'est-à-dire, l'imagination et le calcul, se réuniraient pour affirmer le triomphe pacifique de l'Autriche, du moins dans les provinces Vénitiennes. En proposant cette modalité, le Gouvernement Autrichien aurait donné une preuve de son respect pour les droits des peuples, que ne pourrait que lui attirer l'approbation de toute l'Europe ; et si, comme il y a tout lieu de l'espérer, la votation exprimait le vœu de rester sous la souveraineté d'Autriche, ses droits auraient reçu une sanction qui les rendrait à jamais inviolables et sacrés. Il reste maintenant à examiner sous toutes les faces, la question de la neutralité stricte et permanente de la Confédération Italienne.

Par rapport à l'Europe.

L'idée de la neutralité aurait pu être inexécutable aussi longtemps que 2 systèmes différens divisaient l'Europe, alors l'Italie pouvait ajouter un grand poids dans la balance et jouer un rôle important dans la lutte entre les idées constitutionnelles et les Gouvernements absolus ; cette importance est prouvée par les efforts qu'on a fait des 2 côtes pour s'assurer de la prépondérance en Italie, efforts qui ont produit les dissensions et les troubles qui ont à différens époques détruit la tranquillité de ce pays ; mais maintenant que toutes les nations Européennes, à l'exception près des Russes et des Turcs, sont réunis sous le même drapeau, et qu'il ne peut plus y avoir de guerre de principes, la neutralité de l'Italie deviendrait le gage le plus assuré de la paix Européenne, et serait en même temps le plus bel hommage rendu par l'Europe aux progrès de la civilisation, en préservant à jamais du fléau de la guerre ce jardin de l'Europe où tous les êtres souffrans au moral comme au physique cherchent le soulagement de leurs maux dans les douceurs du climat, les charmes d'un séjour tranquille, et les nobles jouissances que les beaux arts prodiguent dans ce pays favorisé du ciel.

Je suis donc convaincu que cette idée serait accueillie avec la plus grande faveur en Angleterre et en Allemagne, où tant de cœurs généreux battent pour la cause Italienne ;—elle pourrait plaire moins à la France, à laquelle elle enlèverait le théâtre habituel de ses guerres avec l'Allemagne ; mais quels motifs plausibles la République Française pourrait-elle alléguer pour combattre une idée qui assurerait le triomphe de cette paix que le Gouvernement actuel de la France assure être le but de tous ses efforts ? La Russie, moins intéressée dans cette question que les autres Puissances, voudrait-elle se charger de l'odieux que sa résistance jetterait sur sa politique ? Je crois donc que par rapport à Europe, l'exécution de cette idée ne montrerait pas de grandes difficultés.

Par rapport à l'Italie.

L'Italie depuis la chute de l'Empire Romain n'a jamais eu la prétention d'être conquérante, et elle a presque toujours subi la destinée d'être conquise ; mais quand même elle a pu échapper à cette destinée, celle d'être le théâtre des guerres entre les Espagnols et les Français, et eux et les Allemands, a périodiquement exposé le pays aux dévastations et aux maux de la guerre, sans qu'il en retirait jamais aucun avantage ; il paraît donc impossible que l'idée d'un état de paix permanent ne soit adopté avec enthousiasme par la grande majorité des Italiens. Quels avantages une guerre quelconque pourrait-elle apporter au Royaume de Naples, aux Etats du Pape, à la Toscane ? Il n'y a que le Piémont qui puisse trouver quelque avantage au maintien d'un état de choses qui promet à sa politique cauteleuse et perfide de vendre son alliance au plus offrant ; mais comment ce Gouvernement oserait-il se déclarer contre le vœu général de l'Italie, et trahir ainsi le honteux secret des motifs qui le font agir ? De la part des Gouvernements il ne paraît pas qu'il puisse y avoir des obstacles ; il ne serait pas impossible que la jeunesse, échauffée par les divers événements et désirant d'effacer la prévention défavorable au courage personnel des Italiens, s'opposait à l'exécution d'une idée qui mettrait des bornes à leur honneur belliqueuse ; mais outre que cette effervescence céderait à la conviction des immenses avantages que la patrie commune retirerait de cette combinaison, il suffirait de représenter aux plus opposés, que la neutralité de l'Italie n'empêcherait pas les individus de chercher dans les armées étrangères l'occasion de se distinguer, et que la neutralité de la Suisse n'a porté aucune atteinte à la réputation dont les Suisses ont joui en tous temps d'être de braves et valeureux soldats. Il serait superflu de s'étendre sur les avantages incalculables que l'état de paix assurerait à l'Italie, qui pourrait développer toutes ses ressources matérielles et intellectuelles et former un centre de civilisation dont l'influence pourrait être bienfaisante sur le midi de l'Europe.

Par rapport à l'Autriche.

La question de la neutralité ne préjudicie en rien les arrangements financiers et commerciaux que l'Autriche pourra prendre vis-à-vis du Royaume Lombardo-Vénitien, au contraire elle préparerait toutes les voies et aplanirait toutes les difficultés. D'ailleurs, quels sont les avantages que l'Autriche retire de sa possession Italienne ? Celui d'avoir ses frontières du Tyrol couvertes par la ligne de l'Adige serait parfaitement obtenu par la neutralité, et on épargnerait ses frais de maintien des forteresses qui défendent cette ligne.

L'Autriche perdrait un contingent de 30,000 hommes à peu près. Mais comme la possession disputée des provinces Italiennes exigerait pour le moins une garnison de 70,000 hommes que les événements actuels démontrent comme insuffisante, l'Autriche se trouverait plus forte de 40,000 hommes, et dans tous les cas épargnerait les sommes qu'elle dépenserait à maintenir cette force sur pied. Dans le pire des hypothèses, c'est-à-dire, si les provinces Italiennes déclareraient dans la votation proposée, qu'elle désire une indépendance absolue, l'Autriche pourrait obtenir des indemnifications financières et commerciales beaucoup plus importantes sous l'influence de l'idée de la neutralité ; car un pays n'étant plus dans la nécessité d'entretenir une armée ou de payer des auxiliaires, ayant de plus l'immense perspective d'une paix permanente, s'ouvrirait bien plus facilement à des sacrifices qui délivreraient l'Autriche d'une partie de ses dettes et à des concessions qui assureraient à ses manufactures un débouché important, et à son commerce des facilités qui le rendraient florissant. Toute la politique de l'Autriche deviendrait moins compliquée ; elle pourrait tourner toute son attention sur les questions vitales qui doivent s'agiter en Allemagne et dans l'Orient. Est-il nécessaire de fixer l'attention d'un homme d'état sur l'influence qu'une pareille solution de la question Italienne exercerait dans ce moment sur les décisions de l'Allemagne et sur l'esprit des Hongrois ?

Les bornes d'un mémoire ne permettent pas de donner à cette idée tous les développements nécessaires, mais je la crois éminemment pratique, et je suis prêt à répondre à toutes les objections et à discuter toutes les modifications, heureux si je puis contribuer au bien-être de l'Autriche et à la pacification de l'Italie.

(Inclosure.) — — — — — to Viscount Ponsonby.

M. L'AMBASSADEUR,

Vienne, 12 Mai, 1848.

LE mémoire que j'ai eu l'honneur de vous communiquer a été discuté hier soir dans le Conseil des Ministres : on m'a assuré que le résultat de cette discussion a été assez favorable, et que je serai invité sous peu à discuter verbalement ce projet : telle est maintenant la position de cette affaire, je ne négligerai rien pour la

pousser vivement, et j'espère que le Gouvernement Anglais recevra bientôt la demande de sa médiation.

Je me suis aperçu en relisant la minute de mon mémoire, qu'il s'y était glissé une faute qui dénaturerait le sens: j'ai écrit qu'on devait proposer aux provinces Italiennes de faire partie de la Confédération sous la "suzeraineté" de l'Autriche, mais c'est "souveraineté" que j'ai voulu écrire; l'idée de suzeraineté serait trop vague, et d'ailleurs n'obtiendrait pas l'assentiment du Ministre.

Veuillez, &c.

No. 358.—Viscount Ponsonby to Viscount Palmerston.

(Received May 17.)

(Extract.)

Vienna, May 12, 1848.

COUNT FICQUELMONT has been with me, and has stated that the Austrian Government is ready to grant to the Lombards the complete enjoyment of their independence, upon conditions that they shall take certain steps which will be fully communicated to your Lordship by Baron Hummelauer, who will leave Vienna to-morrow for London. I will therefore confine myself to one or two of the principal points.

The Austrians propose that the Milanese should appoint an "hereditary Viceroy," totally independent of Austria and of every other Power; hereditary only to preserve fixity; that they shall select the 2nd brother of the Duke of Modena, who shall bring as it were a marriage portion of the Duchy of Modena; that Parma should also be incorporated with Lombardy, Austria resigning the right enjoyed by Treaties of a contingent succession to that Duchy; that the Lombards shall take upon them absolutely a certain portion of the Austrian Debt, and shall contribute also a certain proportion to the expense of any military aid which may be required by the Lombards; Austria is also willing to give up everything, except such portions of the territory of the Venetian Kingdom as are necessary for the defence of the Tyrol and other parts, and for the free intercourse between Vienna and Trieste. Austria is under the difficulty of not seeing with whom such a negotiation can be well entered into, and is desirous that Her Majesty's Government should facilitate that part, and should offer their good offices, &c.

The Viceroy is to be under the suzeraineté of the Emperor.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 361.—Viscount Palmerston to Sir G. Hamilton.

SIR,

Foreign Office, May 19, 1848.

WITH reference to your despatch of the 2nd instant, containing an account of the Duke of Parma's departure from Bologna, and of the

assistance afforded by you to His Royal Highness, I have to inform you that Her Majesty's Government approve the conduct pursued by you on that occasion.

I am, &c.

Sir George Hamilton.

PALMERSTON.

No. 362.—Count Revel to Viscount Palmerston.

11, Grosvenor Street, ce 19 Mai, 1848.

D'APRES les ordres qu'il en a reçus de son Gouvernement, le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Sardaigne, a l'honneur de porter à la connaissance de son Excellence M. le Vicomte Palmerston, Principal Secrétaire d'Etat pour les Affaires Etrangères de Sa Majesté Britannique, que le Roi son auguste Souverain a ordonné que, dorénavant, les bâtimens de la marine militaire Sarde porteraient le pavillon tricolore Italien au grand mât en conservant le pavillon national à sa place ordinaire à la poupe, et que les bâtimens de la marine marchande arboreraient également le même pavillon.

Ce drapeau, composé de trois bandes verticales, verte, blanche, et rouge, porte au milieu la Croix de Savoie entourée d'un liseré bleu, surmontée d'une Couronne Royale pour les bâtimens de guerre, et sans couronne pour ceux de la marine marchande.

Le Soussigné, &c.

S.E. Le Vicomte Palmerston.

A. DE REVEL.

No. 363.—The Hon. R. Abercromby to Viscount Palmerston.

(Received May 20.)

MY LORD,

Turin, May 14, 1848.

IN the sitting of the Chamber of Deputies of yesterday, his Excellency the Marquis Pareto announced to the Chamber that the Duchy of Piacenza had formally proclaimed its union with Piedmont and the States of His Sardinian Majesty.

Registers were opened for the votes of the people upon this occasion, and the numbers were as follows:

For the union with Piedmont	..	..	37,000
„ Lombardy	..	..	69
„ States of the Church	..	..	300
„ Parma	..	..	10

A deputation from Piacenza will proceed direct to the headquarters of His Sardinian Majesty, for the purpose of placing in His Majesty's hands the Act recording the decision of the people.

This is the first example of the actual adhesion to Piedmont of any of the various States of Italy, at present governed by Provisional Governments, and the news of the accession of Piacenza was hailed, I am informed, by the Deputies in the Lower Chambers with much enthusiasm.

Registers have also been opened for recording the votes of the inhabitants of the Duchy of Parma, as well as for those of the States of Reggio and Modena, and the accession of those States is confidently looked for.

The question of the greatest importance is, however, the determination taken by the Provisional Government of Milan to consult the will of the people as to the future form of Government to be adopted in that province.

On the breaking out of the revolt, and on the evacuation of Milan by the Austrians, the Provisional Government announced that the wishes of the people would be consulted upon this point at the termination of the present war.

It has, however, been discovered, that for many reasons it would be better to close at once the existing transitory state, and to constitute immediately into one united and strong country the provinces which are now about to seek to be annexed to the States of His Sardinian Majesty.

For this reason the Provisional Government of Milan have issued a decree, dated the 12th instant, by which they order the immediate opening of registers in every parish throughout Lombardy, in which the votes of the inhabitants are to be recorded with reference to two questions: the one in favour of immediate union with the Sardinian States; the other, that the fusion of the 2 countries should be deferred until the war shall be successfully ended.

I have the honour to inclose herewith translations of the forms in which these two questions are to be submitted to the vote of the people.

These lists are to be closed on the 29th instant, the anniversary of the battle of Legnano in 1176.

There can be little doubt that a large majority will be found to have voted for the immediate annexation of Lombardy to the States of His Sardinian Majesty, and your Lordship will observe in the inclosed form proposed for the vote for immediate junction with Piedmont, that the vote likewise positively declares that the constituent assembly of the whole States thus blended together is to discuss and establish the bases and form of a new constitutional monarchy under the dynasty of the House of Savoy.

It is generally believed that the territory of Venice will follow the line taken by Milan and the other towns of Lombardy, and it may therefore be confidently expected that by the first days of the month of June, the whole of Lombardy, Venice, Parma, Piacenza, Reggio, and Modena, with the exception of Massa and Carrara, and the Lunigiana, which have gone to the Grand Duke of Tuscany, will have pronounced their adhesion to the Crown of Sardinia.

The population thus united under one sceptre will amount to about 10,159,102.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 368.—*Vice-Consul Campbell to Viscount Palmerston.*

(Received May 21.)

MY LORD,

Milan, May 14, 1848.

I DO myself the honour to transmit, for your Lordship's information, the translation of a letter of the 13th of May from the Provisional Government of Lombardy to me, inclosing a decree from the same, relating to the plan that has been decided on to ascertain the sense of the people, as to whether the union of Lombardy with Piedmont should take place immediately, or whether it should be delayed till the end of the war, the majority of the votes deciding the question. The Provinces of Como, Brescia, and Piacenza have, by large majorities decided in favour of an immediate union with the Piedmontese States.

The bulletin of the 13th contains only the following paragraph worthy of notice: "In consequence of the occupation of Belluno and Feltre by the enemy, our troops have been obliged to abandon the line of the Piave, and are now retreating on the Brenta, where, when concentrated, they will strongly resist the corps d'armée of Nugent, if he attempts to advance."

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

(Inclosure.)—*The Provisional Government of Lombardy to Vice-Consul Campbell.*

(Translation.)

Milan, May 13, 1848.

FROM the annexed decree you will see under what grave circumstances the Provisional Government has been obliged to hasten the expression of the country on the most important point as to its union with Piedmont, with the proviso that a Constituent Assembly will in due time determine on the basis and forms of a new Constitutional Monarchy.

The wants incident upon war, those affecting the interior, the finances, diplomacy, all tend to make the continuation of a Provisional Government impossible, and render it necessary that it should deliberate upon the quickest means of escaping from its difficulty. The safety of Italy might be compromised by a longer delay, and the Government would be wanting in its own duty, in face of the public opinion which becomes every day more explicit, especially in the provinces, if it remained any longer neuter.

Besides the opening of the Piedmontese Chambers, and the anticipation of serious debates respecting the war, which would certainly be the echo of the prevailing opinions in the country and

in the camp, ought to induce the Provisional Government to take all these circumstances into the most serious consideration.

Finally, the condition of the Venetian Provinces, which are on the point of being entirely re-occupied, and the increase of the Austrian troops—an increase requiring the most timely junction of all our military forces—are new and pressing circumstances which oblige us to provide not only for our own safety, but also for that of all Italy. By union alone can the barbarian be again driven on the other side of the Isonzo, and the Constitutional Monarchy, after having saved the independence of the country, will not compromise its liberty, as this liberty will be guaranteed by a Constitution discussed and decided upon by a National Assembly that will be convoked on the broadest basis of universal suffrage.

The Provisional Government of Lombardy hasten to communicate to you this resolution, that you may acquaint your Government with the same.

Vice-Consul Campbell.

CASATI, *President.*
C. BERETTA.
GUERRIERI.

(*Inclosure 2.*)—*Decree of the Provisional Government of Lombardy.*
(Translation.)

THE Provisional Government of Lombardy decrees:

1. The registers are open in all the parishes of the communes of Lombardy, in order to collect the signatures of the Lombard people.
2. Every man of 21 years of age has the right to vote.
3. Those who cannot write will make a cross in the presence of the curate and 2 delegates named as in Articles V and VI.
4. The vote must be given by each person in the parish where he resides, without distinction of religious creeds.
5. The curates, or those who act for them, will be assisted in collecting the votes by 2 delegates named in the cities by their respective municipal congregations, as in Article VI.
6. In the country towns and villages the curates will be assisted by 2 of the members of the Communal Deputations, or their substitutes, or by 2 persons chosen by the same deputations. Where Communal Councils exist, however, the delegates shall be chosen in preference from the body of councillors.
7. Registers shall be open in the parishes from the day in which the present law shall be published in the respective communes, and they shall be closed definitively on the 29th of May, the anniversary of the battle of Lograno. After which they will be sealed up by the different curates, and sent to the respective Communal Deputations or Municipal Congregations.

8. It being necessary to provide that the right of voting should

be regularly exercised also by the citizens who are now at the army, measures are taken that registers may be opened at the head-quarters of their corps. The Italian soldiers, whether conscripts or volunteers, who fight under the flag of Lombardy, will all vote by subscribing in presence of the superior officers of the corps to which they belong.

9. The Government Commission destined to send succour to the Venetian provinces will take care to collect the vote of the citizens forming part of the company that are now on that territory.

10. The Communal Deputations and Municipal Congregations will deliver the registers, sealed up, to the Provincial Congregations on which they depend, in the most secure and ready manner, at the expense of the commune and on their personal responsibility.

11. The Provincial Congregations will make the scrutiny of the registers in the presence of the Bishop or of his representative, and of a Government Commissary.

12. As in consequence of the peculiar condition of the city and province of Mantua, Articles X and XI cannot be observed, it is determined that the Communal Deputations should deliver the sealed registers to the extraordinary Commissary of the Government residing in Bozzolo, and that the scrutiny of the registers be made by him in presence of the Ecclesiastical and Communal authority.

13. The scrutiny of the registers must be sealed up after a procès-verbal, and delivered to the Government, together with the same register, without delay.

14. The scrutiny of the provincial registers must be made public by the Government, and whichever of the two propositions shall contain the greatest number of votes will be the vote of the nation.

CASATI, *President.*

BORRAMEO.	CARBONERA.
GUERRIERI.	TURRONI.
STRIGELLI.	MORONI.
DURINI.	REZZONICO.
BERETTA.	AB. ANELLI.
GIULINI.	GRASSELLI.
P. LITTA.	DOSSI.

CORRENTI, *Secretary-General.*

No. 369.—*Viscount Ponsonby to Viscount Palmerston.*

(Received May 22)

MY LORD,

Vienna, May 12, 1848.

IN my hurry this afternoon I may not, I fear, have marked sufficiently the fact that there were 2 projects mentioned by Count

Ficquelmont *officieusement* to me by order of the Imperial Government.

The first is, the abandonment of all the Austrian rights in the Lombardo-Venetian kingdom, upon an agreement between the 2 parties.

The second, the total unconditional abandonment by the Austrians of the Lombard territories, and the concentration of their forces on the strong position of Verona, &c., and the continued occupation of the Venetian territories, making a declaration that they would not take any part in the affairs of the rest of Italy, and would limit themselves strictly to defensive measures.

The first of these projects is that for which Count Dietrichstein will be instructed to ask for the friendly intervention of the British Government to bring about an amicable arrangement between the Imperial Government and the revolted provinces in Italy, and with the Court of Sardinia.

The second project will be acted upon only if Her Majesty's Government shall decline intervention.

Baron Hummelauer will take with him to London full instructions to the Count Dietrichstein, and will leave Vienna to-morrow night, the 13th.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 371.—Baron Lebzeltern to Count Dietrichstein.—(Communicated to Viscount Palmerston by Count Dietrichstein, May 22.)

M. LE COMTE,

Vienne, le 14 Mai, 1848.

LA note responsive que Lord Palmerston vous a adressée sous la date du 21 Avril, et que votre Excellence nous a transmise par son rapport portant la date du 22 du même mois, nous a offert une preuve non équivoque de l'intérêt avec lequel le Principal Secrétaire d'Etat de Sa Majesté Britannique avait accueilli la nouvelle du départ de M. le Comte Hartig, envoyé en Italie pour entâmer des négociations tendant à amener la pacification de nos provinces insurgées.

Lord Palmerston a senti que le bruit des armes devait d'abord se taire pour que des paroles de paix telles que le Comte Hartig est chargé de les porter aux sujets de l'Empereur en Italie, puissent avoir des chances d'être justement appréciées. Nous ne pouvons que regretter que la recommandation que le Gouvernement Britannique a dans ce but fait adresser à la Cour de Turin, et qui avait pour objet d'amener une suspension des hostilités, n'ait pas été suivie d'effet.

Toutefois, la nécessité de continuer une lutte meurtrière n'a pas atténué la pensée de paix qui prédomine avant tout dans les conseils

de l'Empereur. Désirant fournir une nouvelle preuve des intentions conciliantes qui l'animent au moment même où les renforts envoyés à l'armée Impériale promettent de faire tourner en notre faveur les chances de la guerre, le Gouvernement Impérial s'est décidé à prier le Gouvernement de Sa Majesté Britannique de vouloir bien par l'influence de ses conseils et par son intervention amicale entre nous, nos provinces Italiennes en état d'insurrections, et la Cour de Sardaigne, dans la lutte dont la Haute Italie est en ce moment le théâtre, concourir à faire cesser l'effusion du sang et à rétablir la paix dans un pays où elle ne saurait continuer longtemps à être troublée sans risquer une conflagration générale.

Votre Excellence est chargée de donner à Lord Palmerston lecture et copie de cette dépêche, et de nous faire connaître sans délai la réponse de sa Seigneurie.

Recevez, &c.

M. le Comte Dietrichstein.

LEBZELTERN.

No. 372.—Sir G. Hamilton to Viscount Palmerston.—(Rec. May 23.)

MY LORD,

Florence, May 15, 1848.

IN the Duchies of Parma and Modena a very decided movement has been made for the union of those States with the kingdom of Sardinia.

At Parma, the Provisional Government has made arrangements for the opening of registers in all the communes of the State, in order that the suffrages of the people may be duly collected as to the future destiny of the country, but with the view that Parma should form part of a powerful kingdom under the name of "il Regno d'Alta Italia."

At Modena this movement originated with the municipal body, who have addressed their countrymen, pointing out the advantages that are to be obtained from the formation of a powerful kingdom, to which Modena is to belong, and the Provisional Government has seconded the movement, and a register is kept open at the Palace of the Municipality for the signatures of all classes of the Modenese.

It has been declared and voted by universal suffrage in the Duchies of Massa and Carrara, that these principalities should form part of Tuscany, and a deputation has been sent to the Grand Duke at Florence, informing him of this decision.

His Royal Highness has given the deputation a kind and prudent reply, but disclaiming at the present moment any wishes of aggrandizement for Tuscany.

An universal dread pervades Italy lest the French army should cross the Alps.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 376.—Baron Hummelauer to Viscount Palmerston.

Londres, ce 23 Mai, 1848.

Mon Gouvernement m'a chargé de mettre sous vos yeux, Milord, les élémens qui nous paraissent susceptibles à entrer dans les bases, de l'intervention amicale que nous demandons au Gouvernement de Sa Majesté la Reine.

Le Royaume Lombardo-Vénitien continuerait à rester sous la souveraineté de l'Empereur.

Il recevrait une administration séparée de celle du reste de l'Empire, entièrement nationale, et dont les bases seraient combinées par les Représentants mêmes du royaume sans aucune intervention de la part du Gouvernement Impérial. Un Ministère Italien, établi dans le centre de la Monarchie, entretiendrait les rapports entre le Gouvernement Impérial et l'Administration du Royaume Lombardo-Vénitien.

A la tête de l'Administration séparée du royaume serait placé un Archiduc Vice-Roi comme Lieutenant de l'Empereur. Les frais de l'administration du royaume seraient portés par le royaume lui-même, qui serait tenu à payer en sus un montant d'environ 4,000,000 de florins par an pour contribuer aux dépenses centrales de l'Empire, comme le maintien de la Cour, le service diplomatique, &c.

Le royaume se chargerait, comme sa part à la dette publique de l'Empire, du paiement annuel d'une rente d'environ 10,000,000 de florins, transportée sur le Monte Lombard-Vénitien, de manière à ce que, quels que puissent être les revirements futurs de la politique le royaume en reste seul responsable.

Les forces militaires du royaume constitueraient une armée toute nationale, dont la majeure partie resterait en tems de paix dans le pays même, mais qui en tems de guerre suivrait l'appel de l'Empereur pour la défense générale de l'Empire.

Les rapports de commerce entre le royaume et le reste de l'Empire seraient réglés sur la base des intérêts réciproques et dans le but d'assurer au commerce de part et d'autre la plus grande liberté possible.

Les circonstances suivantes pourraient peut-être être utilisées en faveur de cette combinaison. Le Duc de Parme ainsi que son fils se trouvent si désavantageusement placés vis-à-vis de leur propre pays que leur rétablissement dans le Duché de Parme est autant qu'impossible. Il se présente ainsi de fait le cas de réversion prévu dans la Paix d'Aix-la-Chapelle et par rapport aux quelles dispositions du Traité de Paix d'Aix-la-Chapelle ont reçu une dernière confirmation dans le Traité de Paris du 10 Juin, 1817, de sorte qu'en obtenant la renonciation du Duc de Parme et de son fils, pour eux et leurs successeurs, contre un dédommagement pécuniaire proportionné à offrir à la famille Ducale, et en garantissant à celle-ci son état de possession allodial, le Duché de Plaisance reviendrait à la Sardaigne,

et le Duché de Parme à l'Autriche, et par conséquent au Royaume Lombard-Vénitien, tandis que la Convention du 28 Novembre, 1844, pourvoit aux dédommagements territoriaux à donner à la Sardaigne pour la place forte de Plaisance, qui resterait également à l'Autriche et au Royaume Lombard-Vénitien. Les articles des Traités susmentionnés et relatifs à cette question sont consignés dans l'annexe ci-jointe.

Le Duc de Modène a *ipso facto* cessé de régner, et un Gouvernement Provisoire s'est institué. Nous avons motif de ne pas regarder comme impossible de disposer le Duc de Modène contre un dédommagement pécuniaire, et en assurant à la Maison d'Este la possession de ses biens de famille, d'abdiquer en faveur de son frère l'Archiduc Ferdinand, qui n'est point compromis dans le Duché de Modène. Si cette supposition devait se trouver fondée, l'Empereur pourrait faire choix de ce Prince comme Vice-Roi du Royaume Lombard-Vénitien, et qui, comme Duc de Modène, apporterait au Royaume Lombard-Vénitien le Duché de Modène. La réunion administrative des Duchés de Modène et de Parme avec le Royaume Lombard-Vénitien ajouterait essentiellement à la force de la position militaire du Royaume Lombard-Vénitien.

Les bases sus-indiquées font certainement preuve de la sincérité du Gouvernement Impérial, et cela d'autant plus que dans ce moment, à l'exception de la ville de Venise et de la place de Palmanova, nos troupes sont maîtresses de tout le territoire Vénitien; que le Maréchal Radetzky est sur le point de recevoir les renforts qui le mettront en état d'aller chercher lui-même l'armée Piémontaise; que le Tirol Allemand est levé en masse; et le Tirol Italien parfaitement assuré; et que vient de paraître l'allocution du St. Père du 29 Avril, qui découvre la perfidie dont on s'est servi de son nom et de son autorité pour fanatiser le peuple.

Si malgré ces circonstances qui sont plutôt en notre faveur, nous avons recours à l'amitié de la Grande Bretagne, c'est que nous attacherions un grand prix à voir terminer sans délai cette complication. Le Cabinet Britannique doit être informé de la marche des choses en France mieux que nous ne saurions l'être. Nous regardons comme inévitable et peut-être prochain le débordement de la France. L'invasion de nos Etats par l'armée Piémontaise et par les troupes et bandes du reste de l'Italie est faite pour attirer les Français. Si demain les Français franchissent les Alpes et viennent en Lombardie, nous n'irons point à leur rencontre. Nous resterons d'abord dans la position de Vérone et sur l'Adige, et si les Français devaient venir nous y chercher, nous reculerions vers nos Alpes et vers l'Isonzo, mais nous n'accepterons pas la bataille, nous ne nous opposerons pas à l'entrée et à la marche des Français en Italie. Ceux qui les y ont appelés n'auront qu'à essayer une fois de plus de leur domination. Personne n'ira nous chercher derrière nos Alpes, et nous resterons

spectateurs des luttes dont l'Italie deviendra le théâtre. Dans le cas seulement où la complication actuelle fût aplanie sous les auspices de la Grande Bretagne, il y aurait encore une possibilité de réunir les moyens du Piémont et ceux de l'Autriche dans un système de défense commune contre l'invasion des Français. Mais c'est aussi uniquement sous les auspices de la Grande Bretagne qu'une pareille idée puisse être conçue, car ce n'est que la présence et l'autorité du nom Britannique qui pourrait nous porter à ajouter foi à des engagements pris par les Piémontais et les Lombards.

En faisant abstraction des considérations qui se rattachent à la défense de l'Italie contre les Français, l'intervention amicale que nous demandons à l'Angleterre—si le Cabinet Britannique accueillit notre demande—offrir à l'organe que le Cabinet Britannique en chargera, le moyen le plus sûr de se procurer une connaissance très exacte du véritable état des choses en Italie, pour le cas où l'Autriche fût obligée à s'en retirer, les forces Françaises se joignant à celles de l'Italie. Le Gouvernement Impérial ne méconnaît nullement que la demande qu'il fait puisse avoir aux yeux du Gouvernement Britannique un caractère grave par rapport aux précautions que commande la situation actuelle de la France, mais nous croyons que par cette même raison il serait doublement important de ne pas se refuser à l'essai d'aplanir une complication qui précisément sous ce même point de vue constitue un danger direct et imminent. Les éléments que je viens d'exposer à votre Excellence ne sont à considérer que comme la preuve des intentions bienveillantes et paternelles de l'Empereur. Si le Cabinet Britannique devait nous accorder son intervention amicale, la proposition à faire aux Lombards serait concertée avec le Représentant Britannique qui serait dans le cas de diriger toute démarche de manière à préserver la marche des négociations de tout ce qu'il ne jugerait pas être en accord avec les convenances de l'Angleterre.

Recevez, &c.

S.E. le Vicomte Palmerston.

HUMMELAUER.

(Inclosure.)—*Articles of Treaties referred to in Baron Hummelauer's Note.*

TRAITE entre les Cours d'Autriche, d'Espagne, de France, de la Grande Bretagne, de Prusse, et de Russie, conclu à Paris le 10 Juin, 1817,* en exécution de l'Article XCIX de l'Acte du Congrès.

ART. VII. La réversion des Duchés de Parme, Plaisance, et Guastalle, en cas d'extinction de la branche de l'Infant Don Charles Louis, est explicitement maintenue dans les termes du Traité d'Aix-la-Chapelle de 1748,† et de l'Article Séparé du Traité entre l'Autriche et la Sardaigne du 20 Mai, 1815.‡

* Vol. IV. Page 75. † Vol. IV. Page 82. ‡ Vol. II. Page 392.

ARTICLE Additionnel et Séparé du Traité entre l'Autriche et la Sardaigne du 20 Mai, 1815.

Le droit de réversion de Sa Majesté le Roi de Sardaigne sur le Duché de Plaisance, stipulé par le Traité d'Aix-la-Chapelle de 1748, et par le Traité de Paris du 10 Juin, 1763,* est confirmé. Les cas où ce droit devra se réaliser seront réglés d'un commun accord, lorsque les négociations relatives aux Etats de Parme et de Plaisance seront achevées.

Il est toutefois entendu que le cas échéant de cette réversion, la ville de Plaisance et un rayon de 2,000 toises, à partir de la crête du glacis extérieur, resteront en toute souveraineté et propriété à Sa Majesté l'Empereur d'Autriche, ses héritiers et successeurs, et qu'il sera cédé en compensation à Sa Majesté le Roi de Sardaigne une autre partie des Etats de Parme ou autre contiguë à ses Etats en Italie, à sa convenance, et équivalente en population et revenus à la ville de Plaisance et au rayon ci-dessus.

Le présent Article Additionnel et Séparé aura la même force et valeur que s'il était inséré mot à mot au Traité patent de ce jour; il sera ratifié, et les ratifications en seront échangées en même tems.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

TREATY of Limitation, between the Courts of Lucca, Modena, Tuscany, Austria, and Sardinia, signed at Florence the 28th of November, 1844.† (Translation.)

ART. VIII. It has, however, been decided, between His Majesty the Emperor of Austria and His Majesty the King of Sardinia, that all that portion of Lunigiana which has been assigned above to the future Duke of Parma, and which comprehends the greatest part of the territory, now Tuscan, of Pontremoli and Bagnone, besides the districts now Modenese, such as Treschietto, Villafranca, Castevoli, and Mulazzo, shall be ceded with all titles to property and sovereignty to His Majesty the King of Sardinia, his heirs and successors, whenever the case of reversion contemplated by the Treaty of the 20th of May, 1815, shall come to pass, by which the Duchy of Parma would fall to Austria, and that of Piacenza to Sardinia. And this concession to Sardinia will form the basis of that compensation, which, by reason of the Additional and Separate Article of the said Treaty of the 20th of May, 1815, Austria owes to her for giving up the city and fortress of Piacenza, together with its portion of the surrounding district, which was determined and agreed upon between them. Nevertheless, the value of the above-mentioned States to be exchanged between them, namely, Piacenza, with a circle (*zona*) or

* Vol. II. 952.

† Vol. XXXIII. 186.

district that has been decided upon, and the Parmesan territory which borders on Sardinia, shall be verified and examined at the precise epoch of reversion, with an impartial spirit of equity by an Austro-Sardinian Commission; and in the unlikely case of dissension, it has been agreed between the 2 at once to refer the case to the decision of the Holy See.

No. 377.—Baron Hummelauer to Viscount Palmerston.

MILORD,

Londres, ce 24 Mai, 1848.

CONFORMEMENT à la permission que vous avez bien voulu m'en donner, je joins ci-près le résumé des idées qui formeraient la base de l'arrangement de la complication Lombard-Piémontaise. Plus je réfléchis aux observations que vous avez faites au projet que j'avais été chargé de vous soumettre, et plus j'en apprécie la valeur et vous en suis reconnaissant. En effet, les idées dont il s'agit maintenant, si elles rencontrent l'approbation du Conseil, sont conformes à l'état des faits tels qu'ils sont, aux possibilités et aux incompatibilités qu'ils renferment, et elles achemineraient la négociation dans une voie où tout ce qui pourra offrir un motif de plainte ou d'ingérence à la France pourra être évité. Vous pouvez être convaincu, Milord, que le Gouvernement Impérial partage sous ce rapport entièrement les vues du Gouvernement de la Reine, et si le Conseil accorde son approbation aux idées en question, je me rendrais sur-le-champ à Vienne pour en faire valoir les avantages auprès de mon Gouvernement. Si le Gouvernement de la Reine nous accorde son intervention, il ouvre la seule issue possible à cette complication, qui, sans l'intervention de la Grande Bretagne, doit nécessairement se traîner de calamité en calamité et finir par l'entrée des Français en Italie. L'intervention de la Grande Bretagne offrira à toutes les parties la possibilité d'y mettre un terme.

En rédigeant le susdit résumé je me suis trouvé obligé, afin de mettre à couvert ma responsabilité vis-à-vis de mon Gouvernement, de toucher à quelques considérations de détail qui ressortent de ce que dans ce projet l'Etat de Venise doit être séparé de la Lombardie. Une entente précise sur ces points, qui sont d'une nature technique, sera l'affaire d'une demi-heure à Vienne, où l'on possède les données nécessaires à leur égard.

Recevez, &c.

S.E. le Vicomte Palmerston, G.C.B.

HUMMELAUER.

(Inclosure.)—Memorandum by Baron Hummelauer.

Londres, ce 24 Mai, 1848.

LA Lombardie cesserait d'appartenir à l'Autriche, et serait libre maîtresse de rester indépendante ou de se réunir à tel autre Etat Italien de son propre choix. Elle se chargerait par contre d'une

partie proportionnée de la dette publique Autrichienne, qui serait transportée définitivement et irrévocablement sur la Lombardie.

L'Etat Vénitien resterait sous la souveraineté de l'Empereur : il aurait une administration séparée, entièrement nationale, concertée par les Représentants du pays eux-mêmes, sans l'intervention du Gouvernement Impérial, et représentée auprès du Gouvernement Central de la Monarchie par un Ministre qu'elle y entretiendrait, et qui soignerait les rapports entre elle et le Gouvernement Central de l'Empire.

L'Administration Vénitienne serait présidée par un Archiduc Vice-Roi qui résiderait à Venise comme Lieutenant de l'Empereur. L'Etat Vénitien porterait les frais de sa propre administration, et il contribuerait aux dépenses centrales de la Monarchie, comme le maintien de la Cour Impériale, le service diplomatique, &c., en proportion à ses ressources, en prenant pour base que le Royaume Lombard-Vénitien réuni se serait chargé sous ce titre d'un paiement annuel de 4,000,000 de florins environ.

L'Etat Vénitien se chargerait pour sa part à la dette publique, d'une rente annuelle proportionnée à ses ressources, en prenant pour base que le Royaume Lombard-Vénitien réuni y aurait participé à raison d'une rente de 10,000,000 de florins par an, et cette rente serait transportée sur le Monte Vénitien, de sorte à ce que, quels que puissent être les revirements politiques de l'avenir, l'Etat Vénitien en reste seul responsable.

Les sommes qui lors de la révolte de Milan et de Venise ont été saisies dans les caisses publiques doivent être restituées au Gouvernement Impérial.

La troupe Vénitienne sera toute nationale, quant à son personnel, mais comme elle ne saurait être d'une force suffisante pour former une armée séparée, elle devra naturellement participer à l'organisation de l'armée Impériale et être placée sous les ordres directs du Ministère de la Guerre de l'Empereur. En temps de paix elle sera cantonnée dans l'Etat Vénitien, en fournissant un contingent pour le service de garnison à Vienne. En cas de guerre les troupes de l'Etat Vénitien suivront l'appel de l'Empereur pour la défense de l'Empire.

Les frais de la troupe Vénitienne seront portés par l'Etat Vénitien.

Les relations de commerce entre l'Etat Vénitien et le reste de la Monarchie Autrichienne et entre celle-ci et la Lombardie, seront réglées conformément aux intérêts réciproques et sur la base de la plus grande liberté possible.

A l'égard du Monte Lombard-Vénitien actuel, une répartition proportionnée aurait lieu entre la Lombardie et l'Etat Vénitien.

Ce qui dans l'exposé d'hier a été dit par rapport aux Duchés de

Parme et de Modène trouverait son application à la Lombardie, qui aurait à fournir des dédommagements convenables aux 2 Ducs et à leur assurer la possession de leurs propriétés de famille.

Recevez, &c.

S. E. le Vicomte Palmerston, G. C. B.

HUMMELAUER.

No. 381.—*Baron Hummelauer to Viscount Palmerston.*

MILORD,

Londres, Mai 26, 1848.

SIR R. ABERCROMBY regarde la renonciation de l'Autriche à la Lombardie et à l'Etat Vénitien comme le seul moyen d'éviter l'intervention de la France.

Quand même l'Empereur voudrait y consentir, voici quelques difficultés d'exécution que l'on aurait à rencontrer. Veuillez faire attention à la position géographique des différentes provinces. La partie du Tirol située sur le versant des Alpes et qui s'appelle Tirol Italien, serait entièrement entourée par le territoire Lombard-Vénitien. Les Gouvernements Provisoires de Milan et de Venise déclarent dans leurs proclamés officielles et dans leurs feuilles, que le Tirol Italien ainsi que le littoral de l'Istrie et de Dalmatie, qui jadis appartenait à la République de Venise, font partie de cette Italie dont il s'agit d'expulser l'Autriche. Ils ont adressé à tous ces peuples des appels à la révolte. Ils ont suscité des mouvements que nous avons supprimés en Istrie et Dalmatie. Ils ont envahi de tous les côtés le Tirol Italien, les armes à la main. Leurs bandes en ont été chassées. Il est donc évident que nous serions entièrement livrés à leur bon plaisir si nous leur abandonnions l'Etat Vénitien. L'Empereur ne peut point renoncer à l'Etat Vénitien sans renoncer virtuellement au Tirol Italien. Vous paraît-il, Milord, qu'une suggestion pareille puisse présenter des chances de succès auprès du Gouvernement Impérial? L'Empereur est en Tirol; vous voyez l'enthousiasme qui y a éclaté; un semblable enthousiasme éclatera dans l'armée, qui exigera à grands cris d'être conduite à l'attaque. Etre allé à Innsbruck est autant que se placer au milieu de l'armée. Voyez les nouvelles de Vienne dans les feuilles de ce matin; elles sont très favorables à l'Empereur et au réveil de l'ordre et de la force dans l'empire. Si l'idée touchée par Sir R. Abercromby pouvait trouver place au nombre des chances possibles il y a deux jours, elle ne peut plus aujourd'hui. Cette idée était naturelle aux Italiens, qui aiment à nous croire morts;—nous ne le sommes pas encore! Je pense que nous verrons sans délai des signes d'une vie effective, signes que dans l'intérêt de tout le monde il eût été désirable d'éviter.

Et si l'Empereur, ce que je ne regarde pas comme probable, voulait consentir à abandonner la Lombardie et l'Etat Vénitien, êtes-vous sûr, Milord, que la France verra de bon œil leur jonction au

Piémont? L'article du "Morning Chronicle" de ce matin renferme quelques bonnes observations à ce sujet. La marche que l'on semble vouloir suivre ici est à mes yeux bien plus propre à amener la complication Française que de la détourner.

Ma plume est allée plus loin que j'avais voulu la faire aller. Vous voudrez bien l'excuser, pour la gravité de la situation. J'attends la réponse que vous avez eu la bonté de me promettre, et je compte alors me mettre tout de suite en route pour retourner à Vienne.

Veillez, &c.

S.E. le Vicomte Palmerston, G.C.B.

HUMMELAUER.

No. 384.—The Secretary of the Admiralty to Mr. Addington.

SIR,

Admiralty, May 26, 1848.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of 2 letters from Captain Henderson of Her Majesty's steamship *Sidon*, dated Naples, the 15th and 16th instant, respecting affairs at that place.

I am, &c.

H. U. Addington, Esq.

H. G. WARD.

(Inclosure 1.)—Captain Henderson to Vice-Admiral Sir W. Parker.

SIR,

Sidon, Naples, May 15, 1848.

I HAVE the honour to inform you that the nomination of Peers, to sit in the Neapolitan Chambers, took place during yesterday, and the Chambers were to assemble to-day. Some excitement, however, prevailed, the Deputies insisting on an alteration of the oath required of them by the King, which His Majesty unfortunately refused to alter. Towards night the people began to form barricades in the Toledo, the excitement still increasing, and this morning Lord Napier went to the King, and the King was prevailed on to make some tardy alteration in the oath, to meet the wishes of the Deputies; but it seems their demands increased by delay, and what would have satisfied them last night was refused this morning. The troops were under arms all night, the cavalry patrolling the streets, and the National Guard espousing the part of the Deputies.

At half-past 11 this morning, the troops opened a continuous fire of musketry, and a few light field-pieces, which lasted about a quarter of an hour, and they continue firing at intervals. I shall send the *Porcupine* to lie off the British Legation, for the purpose of affording protection, at the request of Her Majesty's Chargé d'Affaires, and will keep the *Sidon* in readiness to afford protection to British lives and property, as far as possible, should it be in danger.

The *Locust* will be kept in readiness to sail for Civita Vecchia to-night, Lord Napier having received another most pressing letter respecting the Austrian Ambassador.

I send this by the French packet, just about to sail, and will send the *Porcupine*, with particulars, when things are more quiet.

The *Locust* arrived on Saturday evening, and the *Porcupine* last night, from Marseilles, after landing there His Royal Highness the Duke of Parma, without molestation.

I have, &c.

Vice-Admiral Sir W. Parker.

W. H. HENDERSON.

(Inclosure 2.)—Captain Henderson to Vice-Admiral Sir W. Parker.
SIR, Sidon, Naples, May 16, 1848.

IN continuation of my letter of yesterday I have the honour to inform you that about 4 o'clock the King's troops stormed Mount Oliveto, a position of the National Guard, and where with 2 or 3 pieces of artillery they were in some force; this was taken without much resistance, after which there was occasional firing at intervals until about midnight, when it entirely ceased.

From what I can learn to-day, the loss on the part of the National Guards and the troops seems to have been nearly equal, about 100 of each, that on the part of the troops falling principally on the Swiss regiments, and amongst the number several are officers; there must have been many wounded, I presume, in addition.

From what can be ascertained, the National Guards first opened fire, and the troops throughout seem to have behaved well; and, although many atrocities no doubt have been committed in these triumphs, it is to be hoped these atrocities are much exaggerated.

A number of prisoners have been taken, probably 600 or 700, and the city being under martial law, the soldiers are seizing arms generally, and I believe it is intended to disarm the National Guard.

The Ministers of Russia, Spain, and England, went early to the King to advocate the cause of humanity; and I have no doubt the foreign Ministers generally will continue to use their best endeavours to prevent a further effusion of blood.

It is not yet known whether the King will dissolve the present Chamber of Deputies, but I understand that it is recommended he should continue the present Chamber, endeavouring to act strictly up to the Constitution, with the hope that the present Deputies will give him their support in carrying it out.

I have, &c.

Vice-Admiral Sir W. Parker.

W. H. HENDERSON.

No. 385.—Sir G. Hamilton to the Earl of Aberdeen.—(Rec. May 26.)
MY LORD, Florence, May 18, 1848.

IN my despatch of the 15th instant, I had the honour of informing your Lordship that the Duchies of Massa and Carrara had offered

themselves to Tuscany, but that the Grand Duke had repudiated any idea of aggrandizement to the Tuscan States at the present moment.

For the reasons set forth in the inclosed proclamation, a translation of which I have also the honour to inclose to your Lordship, together with the copy of the note from the Minister for Foreign Affairs which accompanied it, His Royal Highness has thought proper to alter his first determination, and to annex the Duchies of Massa and Carrara, and the territories of Garfagnana and Lunigiana, to the Tuscan dominions.

As the annexation of these territories to Tuscany is an infraction of the Treaty of Vienna, I thought it my duty to return the answer to M. Cempini's note, of which I have also the honour to transmit a copy to your Lordship. I have, &c.

The Earl of Aberdeen, K.T.

GEORGE B. HAMILTON.

(Inclosure 1.)—*Motuproprio of the Grand Duke of Tuscany annexing Massa and Carrara to Tuscany.*

(Translation.)

Florence, May 12, 1848.

AT the cessation of the Ducal Governments of Modena and Parma, the people of the Lunigiana, who with so much mutual grief saw that they were to be separated from the Grand Duchy, manifested directly the desire to be rejoined to a State to which they were allied by so many dear recollections.

An equal desire was shown also by the populations of the States of Massa and Carrara, of the Garfagnana, and of the ex-fiefs of the Lunigiana, which by their geographical position, by their commerce, by their pursuits, and by natural affection, have ever been accustomed to consider themselves as united to Tuscany, which was most near to them.

Of this common sentiment of the above-mentioned population, the various Provisional Governments which were established in these cities and districts made themselves the interpreters, and turned to us in order that the universal proposal to be annexed to the Grand Duchy should be accepted.

But it appeared to us that we should receive them only under our protection and guardianship, not consenting to a formal annexation, being aware that to enlarge the territory is nothing but to increase the burden of duties, the fulfilment of which was always our sole ambition; and not desiring in any manner to prejudice that general arrangement of Italian affairs, which may at once provide for the common good of the nation, and for the private advantage of the families of which it is composed.

We, however, were obliged to acknowledge very soon, that a state

uncertain and unfirm was hurtful and tedious for these people, who partly by popular assemblies assembled by the respective Provisional Governments for this purpose, had most strongly expressed their wish to be firmly united and identified with the people that Providence had confided to our care.

And it was by this shown to us that we were bound to satisfy this their just and benevolent desire, which, whilst it tended to increase and strengthen, by means of a political bond, those mutual interests which could never be destroyed by a separation of sovereignty, led more effectually to the combination of the united forces for that chief and common object on which the whole nation is now intent.

Animated, therefore, by equal affection for our old and our new children, and in the trust of promoting as much as we can that advantage for Italy which is first in our thoughts, and, for this, convinced that either in this respect or by reason of the advantages which will accrue to the State, we do that which will satisfy Tuscany and the Chambers which will represent her ;

By the advice of our Council of State, having heard our Council of Ministers, we are determined to adhere to the wishes expressed for the annexation, as we do annex to the Grand Duchy the States of Massa and Carrara, and the territories of the Lunigiana and Garfagnana, ordering that, as soon as possible, the most convenient means may be proposed to us to introduce in them the laws and institutions, governmental and administrative, of the Grand Duchy, that the populations of the same may participate in all the rights that appertain to the Tuscans.

Desirous, however, that our adhesion, and therefore the annexation decreed by us, may not interpose any obstacle to the future fate of Italy, and that no event, however unforeseen, may prejudice the wish and the interests of those our most dear children, we declare from henceforward, that in the national arrangement which by this act we have desired to promote, and to which we profess to conform ourselves, whilst we shall support as far as in us lies this union equally advantageous for both parties who shall form it, we intend, should any contrary event whatever arise, that the people who are now to be annexed to us should preserve that natural liberty by which they may be able in any event to provide for themselves, and that no other disposition shall take place without their consent.

Given in Florence, May 12, 1848.

F. CEMPINI.

LEOPOLDO.

(*Inclosure 2.*)—*M. Cempini to Sir G. Hamilton.*

Florence, 16 Mai, 1848.

LE Soussigné, Ministre Secrétaire d'Etat pour les Affaires Etrangères, a l'honneur de transmettre à son Excellence Sir G. Hamilton, Ministre Plénipotentiaire, 2 exemplaires d'un acte par lequel Son Altesse Royale le Grand Duc, acceptant la dédition spontanée des peuples de la Lunigiana, de Masse, et de Carrare, et de la Garfagnana, vient d'ordonner l'agréation de ces territoires au Grand Duché.

Les raisons qui ont porté Son Altesse Royale à prendre la dite détermination sont exposées dans cet acte, lequel fait aussi connaître sous quelles réserves elle a été prise, tant pour ce qui tient à l'intérêt général de l'indépendance Italienne, que pour ce qui concerne les peuples qui ont imploré l'agréation dont il s'agit.

Persuadé que M. le Ministre Hamilton s'empressera de porter cet acte à la connaissance du Gouvernement de Sa Majesté la Reine de la Grande Bretagne, le Soussigné, &c.

En l'absence du Ministre Secrétaire d'Etat pour les Affaires Etrangères,

F. CEMPINI.

(*Inclosure 3.*)—*Sir G. Hamilton to M. Cempini.*

M LE MINISTRE,

Florence, May 18, 1848.

I HAVE the honour to acknowledge a note from your Excellency, dated the 16th instant, informing me of the motuproprio issued by the Tuscan Government, by which part of the territories of the Duke of Modena and the Duke of Parma have been recently annexed to this Grand Duchy.

As Great Britain was a principal party to the settlement of Europe under the Treaty of Vienna, of which arrangement the act of annexation to Tuscany of these territories is a very important modification, it does not become me, without instructions from my Government, to offer your Excellency any observations on the subject of your Excellency's note, further than my assurance that I shall lose no time in communicating to Her Majesty's Secretary of State for Foreign Affairs the copy of the note and of its inclosure which I have had the honour to receive from the Tuscan Government.

I avail, &c.

M. Cempini.

GEORGE B. HAMILTON.

No. 388.—Lord Napier to Viscount Palmerston.—(Rec. May 26.)

MY LORD,

Naples, May 14, 1848.

THE opening of the Neapolitan Parliament is appointed to take place to morrow at mid-day.

I have the honour to inclose to your Lordship herewith a list of the House of Peers, selected by His Majesty the King from the names suggested to him by the electoral colleges, and a programme of the ceremonial to be observed on this occasion.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

(Inclosure.)—*Programme of the Opening of the Neapolitan Parliament, May 14, 1848.*

No. 392.—*Consul-General Dawkins to Viscount Palmerston.*
(Received May 29.)

MY LORD,

Venice, May 17, 1848.

IN my despatch of the 28th ultimo I mentioned that it was in contemplation to impose a forced contribution upon the inhabitants of Venice in aid of the funds necessary to defray the expenses of the contest carrying on. I have now the honour to transmit to your Lordship a copy of the "Venice Gazette" of the 15th instant, containing a decree of the Provisional Government for a loan of 10,000,000 of Austrian livres (rather more than 300,000*l.*), to be raised in "the United Provinces of the Republic not occupied by the enemy," viz., the provinces of Venice, Padua, Vicenza, the Polesina, and Treviso, in the proportions therein stated. The sum to be thus raised is all to be paid up before the end of July next, and is to bear interest at the rate of 5 per cent., and departmental committees are to apportion the sums, in no case less than 2,000 livres for Venice, and 1,000 livres for other places, to be exacted from the several contributors according to their respective means. This loan is declared to be national, and to be guaranteed by the nation.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—*Decree of the Provisional Government of Venice for a Forced Loan.—Venice, May 14, 1848.*

No. 396.—*Viscount Palmerston to Sir G. Hamilton.*

SIR,

Foreign Office, May 29, 1848.

WITH reference to your despatch of the 18th instant, inclosing a copy of the note which you had addressed to M. Cempini, in reply to his notification that the Grand Duke of Tuscany had thought proper to annex the Duchies of Massa and Carrara, and the territories of Garfagnana and Lunigiana, to the Tuscan dominions, I have to

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inform you that Her Majesty's Government approve the answers returned by you.

I am, &c.

Sir George Hamilton.

PALMERSTON.

No. 397.—Viscount Ponsonby to Viscount Palmerston.—(Rec. May 29.)

MY LORD,

Vienna, May 22, 1848.

BARON LEBZELTERN gave me this morning the copy of a despatch addressed to Count Dietrichstein, which I have the honour to inclose for your Lordship according to the desire of the Council of Ministers, as expressed to me by the Baron. Your Lordship will see that the Imperial Government is in great alarm at the state of Trieste and the coast of Italy, exposed as they are, and at the mercy of the Neapolitan ships of war; and the Baron asked me if it might not be possible for me to obtain some protection from the English marine for Trieste, &c. I told him that it is out of my power to give any advice to our naval officers on this occasion, but that I knew information of the fact of the appearance of the Neapolitans had been sent to our Admiral.

I told the Baron that he might be certain of the warm desire felt by Her Majesty's Government to have the power of being useful to His Imperial Majesty; that your Lordship had long since exerted yourself to induce the Government of Sardinia to maintain the relations of peace with Austria; and that perhaps it was due to those efforts that when the King of Sardinia made war, that war was limited to land operations; without doubt you were under the influence of the same friendly feelings, and would willingly take any part in your power to be of service in the present difficulty.

I took occasion to point out to the Baron, that supposing it were in my power to induce the Admiral to take any step which could be considered an intervention with the Neapolitans, there would arise the danger that in consequence of that intervention, the French would interfere in Italy, and thereby complicate affairs so as to augment the obstacles to the conclusion of a peace there, or even perhaps to bring on a general war.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Baron Lebzeltern to Count Dietrichstein.

M. LE COMTE,

Vienne, le 21 Mai, 1848.

UNE escadre Napolitaine, composée de 4 bâtiments-à-voiles, au nombre des quels se trouvent 2 frégates, de 5 grands bateaux-à-vapeur ayant à bord des canons de gros calibre, et de plusieurs bâtiments de moindre dimension, a mouillé dans le port de Malamocco, où elle s'est réunie à la flotille Vénétienne, après avoir débarqué à Ancone les troupes Napolitaines destinées à opérer contre l'armée Impériale dans le Royaume Lombard-Vénétien.

A l'approche des bâtimens Napolitains, notre escadre chargée de tenir le port de Venise en état de blocus, ne pouvant engager une lutte inégale avec des forces trop supérieures en nombre, a dû lever le blocus et se retirer dans le port de Pola.

Le Gouverneur de Trieste, voyant dès lors la ville et le commerce de Trieste exposés à un danger flagrant, à réclamé la protection du Capitaine Ramsay, commandant la frégate-à-vapeur Anglaise *Terrible*, mouillée dans le port de Trieste. Cet officier toutefois a déclaré que ses instructions lui enjoignaient de garder la plus stricte neutralité, et que sa mission devait se borner à protéger la vie et les propriétés des sujets Britanniques. M. le Comte de Salm lui ayant fait observer que les magasins de Trieste étaient encombrés de marchandises Anglaises; que les pyroscaphes du Lloyd transportaient souvent des sujets et des biens Anglais et même la malle Anglaise, et que, par conséquent, toute attaque contre la ville ou le commerce de Trieste ferait à la fois un grave préjudice au commerce Anglais, le Capitaine Ramsay a répliqué qu'il ne pouvait accorder sa protection qu'aux Anglais qui se rendraient à son bord.

Ne pouvant disposer de forces navales suffisantes pour repousser les attaques que pourrait tenter la flotte Napolitaine, la ville de Trieste et les côtes de l'Istrie sont peut-être à la veille de devenir victimes de la plus injuste des agressions.

Dans cette pénible circonstance il n'y a que la Grande Bretagne qui puisse nous tendre une main secourable. Nous espérons d'autant plus pouvoir compter sur ce que l'ancienne amitié de la Grande Bretagne ne nous fera point défaut dans cette complication, que nous avons fait naguères un appel à son intervention amicale, dans le but d'amener sur de larges bases la pacification de l'Italie. Rien ne saurait compromettre davantage le succès de cette entreprise, réclamée impérieusement dans l'intérêt général de l'Europe, que de nouveaux conflits dont les conséquences pourraient réagir d'une manière désastreuse sur notre situation intérieure.

L'avenir est menaçant : l'Allemagne s'agite : en France les partis sont aux prises, et de leur choc peut naître une explosion de nature à mettre en question la paix de l'Europe.

Dans un moment pareil, l'Angleterre peut elle voir avec indifférence son alliée la plus ancienne et la plus fidèle s'affaïsser sous le double poids d'agression extérieures qu'elle n'a point provoquées, et d'embarras intérieurs qui sont toujours inséparables d'une transformation politique telle que celle que subit en ce moment notre Empire ?

Il nous semble impossible qu'un pareil calcul puisse entrer dans les vues d'un Ministre Anglais. Nous espérons dès lors que le Gouvernement de Sa Majesté Britannique, tant par le langage qu'il fera tenir aux Cours Italiennes, que par les instructions qu'il fera

parvenir à l'Amiral commandant les Forces Navales Anglaises dans la Méditerranée, saura empêcher que la lutte qui désole le Royaume Lombard-Vénitien, et dont nous appelons de tous nos vœux la prompte fin, ne s'étende pas à la mer et ne gagne pas des parages qui jusqu'ici ont été préservés des maux de la guerre.

Je prie votre Excellence de donner communication de cette dépêche à Lord Palmerston, et de me faire connaître au plus tôt l'accueil qu'elle rencontrera auprès de sa Seigneurie.

Recevez, &c.

M. le Comte Dietrichstein.

LEBZELTERN.

No. 398.—Viscount Ponsonby to Viscount Palmerston.—(Rec. May 29.)

MY LORD,

Vienna, May 22, 1848.

I INCLOSE copy of my letter to Mr. Vice-Consul Raven at Trieste, directing him that whenever he should be acquainted with the fact of an attack being about to be made by the combined squadrons Neapolitan and Sardinian, or by either of them, on Trieste, he should then go and inform the Commanders that in Trieste there is a great quantity of British property so placed in the port and elsewhere, as to be in great danger of being destroyed by an attack upon the town; and that whatever quantity of it should be destroyed by the attack, the British Government would demand indemnity for the loss sustained by British subjects.

I hope that your Lordship will not disapprove of what I have done.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Viscount Ponsonby to Vice-Consul Raven.

SIR,

Vienna, May 22, 1848.

I HAVE received your letter of the 18th instant, in which you mention your fears that a large amount of English property may be endangered by an attack made upon Trieste by the Neapolitan squadron. I have therefore to direct you, in the event of an attack being about to be made by the Neapolitan squadron alone, or in conjunction with the Sardinian squadron, to take the earliest and most effectual measures for making known to the commander or commanders of the above-mentioned squadron, that there is a vast amount of British property in Trieste, situated in the docks and other parts of Trieste the most exposed to danger of destruction by an attack; and that if the attack by the squadron should take place and the British property be destroyed, Great Britain may demand indemnity for the losses sustained by her subjects, which losses will probably be immense; and you will declare in a formal and official manner, that you make the communication of these facts to them, the commanders, to the end that they may be forewarned of the

consequences to which they may be exposed if an attack be made. You will also make a similar declaration that indemnity for the losses sustained by British shipping may be demanded from those who may occasion those losses.

I have, &c.

Vice-Consul Raven.

PONSONBY.

No. 401.—Lord Napier to Viscount Palmerston.—(Rec. May 30.)

MY LORD,

Naples, May 18, 1848.

I HAVE the honour to submit to your Lordship herewith copy and translation of a manifesto issued by the Neapolitan Government relative to the late insurrection, together with the Government journal of last night, containing an ordinance for the dissolution of the Chamber of Deputies, with a promise of its speedy re-election. An extraordinary commission is likewise appointed for investigating the causes and discovering the agents of the disorder.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

(Inclosure 1.)—Government Proclamation respecting the Insurrection at Naples.

(Translation.)

Naples, May 16, 1848.

AN act of flagrant illegality was committed in this capital on the night of the 14th and on the 15th of May, and for the purpose of exciting an unmerited distrust in the King's Government, barriers were erected in the public streets, with the criminal intention of producing a collision, disturbing public peace, and causing the effusion of the blood of the citizens.

Most sad was it to see that a part of that National Guard which had been organized for the safety and protection of families, not only took part in this unfortunate disorder, but itself began an attack upon the King's troops, who when they saw their comrades fall under the unexpected fire of fratricidal arms, were obliged to make use of the sacred privilege of defence, and moved by a just indignation, which it was not in the power of any to prevent, rushed forward to repress force by force.

After some hours of this dreadful conflict, the mass of those who were trying to overturn the State was definitely subdued and dispersed. Tranquillity is everywhere restored, and the most energetic means have been taken to find out the real origin of this criminal attempt, to discover the authors, subject them to the justice of the law, and lay the whole case before the public.

Let good citizens in the meantime know that strict vigilance will be used by Government, so that no similar disorder may take place in future, and that fresh obstacles may not be illegally opposed to the maintenance and full exercise of that liberty which has been solemnly

established by the Constitution, and which His Majesty fully intends to protect in all its integrity.

The National Guard of the city of Naples, which has so ill responded to the confidence placed in it, has been already dissolved, to be again re-organized according to law. The Legislative Chambers whose meeting was yesterday prevented, will be convoked without delay by decree, for the purpose of supporting by their valuable concurrence the principles of order, legality, and general prosperity, which form the prominent object of the King's Government.

Let then the friends of order and liberty be assured that the Government will take all legal measures for the promotion of the country's good.

PRINCE OF CARIATI.
CAVALIERE BOZZELLI.
PRINCE OF TORELLA.
GENERAL CARASCOSA.
DON F. P. RUGGIERO.
PRINCE OF ISCHITELLA.

(Inclosure 2.)—*Decree dissolving the Neapolitan Chamber of Deputies.*
(Translation.)

FERDINAND II, &c.

Naples, May 17, 1848.

It having appeared from authentic documents, that on the disastrous 15th of May those who had been elected members of the Chamber of Deputies met together in the character of an Assembly sole representative of the nation, and having elected a President, proceeded to deliberate and form a Committee of Public Safety, whose orders alone the National Guard was bound to obey;

Considering that as they had not yet taken the oath required by law, the power they assumed was the more arbitrary, unlawful, and subversive of every principle of order, inasmuch as it exceeded the privileges of a college purely elective;

Considering that such conduct was prompted solely by wicked designs, because the opinion of many honest Deputies was expressed to blame such conduct as absurd and illegal, although the voice of reason was drowned everywhere by clamour and by every kind of threat from those who had resolved to bring about a disastrous change in the State, and the disorders of a civil war;

Having considered Article LXIV of the Constitution;

On the proposition of our Minister Secretary of State of the Interior;

Having consulted the Council of our Ministers Secretaries of State;

We have resolved to decree and do decree as follows:

ART. I. The Chamber of Deputies which was convoked for the 15th of May is dissolved.

II. Our Minister Secretary of State of the Interior shall present as soon as possible for our approbation a decree convoking the electoral colleges to proceed to new elections.

III. Our Minister Secretary of State of the Interior is charged with the execution of the present decree.

BOZZELLI.

FERDINAND.

PRINCE OF CARIATI.

No. 403.—*Lord Napier to Viscount Palmerston.*—(Received May 30.)

MY LORD,

Naples, May 18, 1848.

I HAD the honour to address to your Lordship on the 16th instant a hasty narrative of the events of the preceding day. I am now enabled to lay before your Lordship some additional details, and correct some errors inseparable from the first account of a convulsion so violent and unforeseen.

The Deputies carried on during the evening and night of the 14th instant a correspondence with the President of the Council and the Palace, relative to the form of the oath to be taken on the ensuing morning.

It was agreed on both sides that the positive oath contemplated by the printed programme should be abandoned, and one of a conditional nature substituted in its place. The King seems to have contended for the single expression "*svolgere*" (develope); the Deputies insisted on the addition of the words "modify" and "reform."

Before 6 in the morning His Majesty, however, sanctioned a form which I have the honour to inclose. It runs thus:—"I promise and swear to be faithful to the Constitution as it shall be developed and modified by the 2 Chambers, together with the King."

According to the assurance of one of the Deputies who was present during the night, and, after a short repose, during the whole of the next day, and who having refrained from taking an active part in the proceedings, was the better capable of observing and remembering every occurrence, the assembled Deputies, after some discussion, were satisfied with His Majesty's offer, and sent a deputation to the house of the President, adjoining the Palace, to concert measures for the composure of the tumult, the removal of all impediments, and the performance of the projected ceremony. They dispatched at the same time 10 members of their number to the principal streets, urging the National Guards to disperse the crowd, to remove the barricades, and abstain from all acts of hostility or resistance to the royal authority. This was about 6 o'clock. The

envoys of the Deputies met, however, with indignity and denial; the barricades were no longer in the power of those who had raised them. Many of the National Guards had withdrawn, and the minority who remained were intoxicated with excitement and enthusiasm, and overruled by the Calabrese and foreign emissaries who held the most desperate designs. The deputation to the house of the President never returned to the Assembly of Deputies. The envoys of peace and reconciliation to the insurrection went back defeated.

The Deputies continued together at the house of the Municipality, to the number of about 80, deliberating on various propositions, receiving and dispatching messages to their partisans without.

About 3 o'clock, the Deputies, according to my informant, who was present to the last, appointed a "Committee for the Safety of the Preparatory Assembly of Deputies" (*Comitato di Sicurezza dell' Assemblea Preparatoria dei Deputati*), a title which has given occasion to assert that the Deputies formed "a Committee of Public Safety," and constituted themselves a Provisional Government. My informant, however, has assured me positively that the members by a fair majority never sanctioned any resolution of an anti-constitutional kind, nor pretended to erect a separate power, or to subvert the King's prerogative.

When at 7 o'clock in the evening the Swiss troops reached the Town House, there were still about 70 Deputies assembled, none of whom were arrested, but all were directed to retire.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

(*Inclosure.*)—*Decree respecting the Form of Oath.*

FERDINAND II, &c. (Translation.) *Naples, May 15, 1848.*

HAVING seen the programme for the inauguration and opening of the Parliament to take effect on the 15th day of May instant;

Considering that unforeseen circumstances will not allow the ceremony of the said inauguration to be observed;

Having heard the Council of Ministers;

We have resolved to decree, and do decree as follows:

ART. I. The opening of the united Chambers and the reading of the address by the Crown shall take place this day at 2 o'clock in the afternoon, in the hall appointed for the Deputies in the building of the Royal University degli Studi.

II. The oath prescribed in Articles XII and XIII of the Programme shall not be administered.

III. The Chambers shall begin by verifying their powers, after which verification the Deputies and Peers shall take oath according to the form following:

"I, N. N., promise and swear before God fidelity to the Constitutional King Ferdinand the Second.

"I promise and swear to fulfil the duties entrusted to me with the greatest zeal and with the utmost fidelity and honour.

"I promise and swear to be faithful to the Constitution, as the same shall be developed and modified by the 2 Chambers in accordance with the King, especially with relation to the Chamber of Peers, as is stated in Article V of the Programme of April 3.

"Thus I swear, so help me God."

IV. Our Minister Secretary of State President of the Council of Ministers, and all our Ministers Secretaries of State, are charged with the execution of the present decree.

CARLO TROJA.

FERDINAND.

No. 405.—The Hon. R. Abercromby to Viscount Palmerston.

(Received May 30.)

(Extract.)

Turin, May 24, 1848.

SINCE the receipt of your Lordship's despatches by the messenger Robbins, I have seen the Marquis Pareto.

My interview with the Sardinian Minister for Foreign Affairs took place the day on which the news of the conflict at Naples between the King's troops and the National Guard arrived at Turin.

Our conversation naturally turned in the first instance to these deplorable events, the details of which were then, and indeed are even now but imperfectly known here; but I found that the reports received by the Marquis Pareto coincided in the main with those which I had been enabled to forward to your Lordship in my despatch of the 21st instant.

As soon as we had finished discussing the Neapolitan news I directed the conversation to the main object of my visit.

I stated to the Marquis Pareto the pleasure I had derived from hearing the declaration he had made a few days before in the Chamber of Deputies, to the effect that the Sardinian Government admitted the possibility of negotiation for the purpose of obtaining the object for which the war with Austria had been undertaken, namely, the evacuation of the Italian provinces by the forces of Austria; that observing this favourable disposition on the part of the Sardinian Government, I had been induced to speak to him on the subject of the great importance for the peace of Europe, for the independence of Italy, and for the welfare of the Italian cause in general, that the possibility of a French armed intervention should be avoided; that to secure this object, it should be the endeavour of all parties concerned in the preservation of the tranquillity of Europe, to remove every ground for such an intervention; and that the best and surest means of arriving at such a point would

unquestionably be the termination of the contest now going on in Lombardy.

I observed to the Marquis Pareto that to obtain the object of the war by peaceable means instead of by force of arms, would not diminish the merit of the Italian movement for independence, and that in adopting this course there would be the positive benefit that, besides arresting the further effusion of blood, and stopping a heavy expenditure of money, the various chances and uncertainties of war would be avoided.

I stated to him that it seemed to me individually, that there would be much advantage in His Sardinian Majesty being in a position to be the contracting party in behalf of the north of Italy, instead of leaving the negotiation in the hands of the Provisional Government of Milan, and therefore that as the junction of Lombardy and of the Venetian States to Piedmont might now be expected to be declared in the space of a very few days, it might not be inexpedient to delay until then attempting an amicable arrangement of the differences with Austria; but I added that I could not sufficiently urge upon him the necessity of not delaying even until the decision of the Lombardo-Venetian States shall have been declared, the consideration and settlement of the terms upon which an accommodation with Austria might be effected; and that he should thus be prepared to take advantage of the first favourable opportunity that might offer for terminating a contest which, if prolonged, endangered the future tranquillity of Europe.

I told the Marquis Pareto that I hoped I need not, notwithstanding the animosity displayed in several of the public journals against England, which I had of late regretted to remark, assure him that Great Britain entertained but one wish with regard to Italy; namely, her prosperity and welfare, and that of Sardinia in particular; that although speaking to him on that occasion my own and not an official opinion, I firmly believed that Her Majesty's Government would willingly lend their assistance to advance any reasonable and practicable plan for a settlement of the affairs of Italy, but that to make this possible, the Sardinian Government must in the first place treat England with frankness and confidence.

I expressed to the Marquis Pareto my willingness to convey to your Lordship, for your information, the terms upon which the Sardinian Government would be ready to treat for a settlement with Austria of the Italian question, should he be disposed to act upon my present suggestion; and I pointed out to him that although I had no instructions authorizing me to offer to him any direct intervention on the part of Her Majesty's Government, still he must perceive that the knowledge that your Lordship would thus have obtained of the views of the Sardinian Government with reference to

this question, might greatly assist your Lordship in the language you might deem it right to hold to the Austrian Government through Her Majesty's Ambassador at Vienna.

The Marquis Pareto listened to my observations with much attention.

He quite agreed that no objection existed to terminating by negotiation the present contest in Lombardy, if the objects of the war could be so obtained; but he distinctly stated that the immediate and entire evacuation of Italy by Austrian troops must be the leading feature in any negotiation that might be commenced.

The Marquis was extremely explicit in all that he said to me with regard to a French armed intervention. He at once admitted that such an event would not only be fatal to the cause of Italy; and he likewise agreed that the passage of the Alps by a French army would be the signal for a general war in Europe.

In reply to the observations I had made to him with regard to the distrust which I had remarked of late in Italy of the opinions of Her Majesty's Government, and of the policy which Great Britain was supposed to be following with reference to the affairs of this peninsula, he assured me that he in no way participated in those ideas, and that he placed the same reliance in the continued sympathy and friendship of Great Britain towards this country that he had always done.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 407.—Vice-Consul Campbell to Viscount Palmerston.

(Received May 31.)

MY LORD,

Milan, May 24, 1848.

I HAVE the honour to inform your Lordship that a deputation from the Provisional Government here, consisting of M. Beretta, Borromeo, Guerrieri, and Strigelli, proceeded to the head-quarters of His Majesty the King of Sardinia at Somma Campagna, and on the 19th instant presented an address to him, but it was only published in the official Gazette of the 23rd instant, which is usually given out late at night. Without troubling your Lordship with the translation of the whole address, which is rather long, I shall give merely the most essential parts of it. It sets forth:

“ That the unfortunate turn of the war in the Venetian States has thrown the people of Lombardy into a painful state of anxiety, and that the feeling of fraternity which binds the Venetians to the Lombards would be deeply wounded, were this noble part of Italy to fall again under the foreign yoke.

“ That they do not presume to judge of the military operations in the Venetian territory, or of the conduct of the generals directing them; still the welfare of the common cause, His Majesty's own

glory, require that they should not remain silent when the increasing occupation of a great part of that territory by the Austrians is a fact which disquiets all Lombardy.

“ That they have laboured to bring about the unity of Lombardy and Piedmont, in order that the war might be carried on with greater assiduity and efficacy, in order to ensure the liberation of the Venetian States, so necessary to the independence of Italy.

“ That the Lombards have generously answered the call of the Provisional Government, in showing, by an overwhelming majority of votes, their earnest wish that such an union should take place immediately.

“ That they are convinced His Majesty the King's firm intention is not to lay down his arms till the stranger is driven beyond the Alps, and entreat him to reassure the people of Lombardy of this his intention.

“ That they beg His Majesty to declare himself to this effect, and that whatever sacrifice he may require from Lombardy in men and money shall be freely granted ; as no sacrifices are too great to ensure the liberation of their brethren and the independence of Italy.”

His Majesty in reply declared the war, at the head of which he had put himself, to be Italian, and which he could not call finished until every part of the Italian territory was evacuated by the enemy ; confirmed his former pledge not to lay down his arms until the Austrians are driven beyond the Alps ; showed the greatest concern at the unfortunate state of affairs on the Venetian territory ; and expressed his conviction that, when Verona is conquered, Venice would be free. In that quarter, he said, the greatest efforts are required, and to that quarter he will direct them ; and ended by assuring the deputation of his deliberate intention to spare no means that this great “ *Italie* ” war might be brought to a speedy conclusion.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 408.—Vice-Consul Campbell to Viscount Palmerston.

(Received May 31.)

MY LORD,

Milan, May 24, 1848.

I HAVE the honour to transmit to your Lordship the translation of a Proclamation from His Majesty the King of Sardinia, from his head-quarters at Somma Compagna, dated the 23rd May, 1848, and a translation of a bulletin that was issued last night by the Provisional Government of Lombardy.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

(Inclosure 1.)—Proclamation of the King of Sardinia.

CHARLES ALBERT, &c.

(Translation.)

ON arriving on the bank of the Adige, our sympathies and our thoughts were turned to you, people of Venice, to you all of whom we comprised on the breaking out of the war in the expressions we were inspired with, by the condition of the Venetian Provinces, which are gradually freeing themselves from foreign oppression.

We have taken up arms to ensure the independence of Italy. God has hitherto blessed the holy enterprise; but to complete it, confidence and firmness are required in all those who take a share in it. Determined as our intention is to bring the enterprise to the happy conclusion of which we have undertaken the high mission, we have every confidence that you will second our views and endeavours in this great work. Our whole aim is the liberation of our common country from the foreign yoke.

Such is the view of all Italy, such is the necessity of the times, such is the high duty which we have resolved to fulfil.

Let your confidence then respond to mine, and the cause for which we fight will be crowned by a complete victory.

Given at our head-quarters-general, at Somma Compagna, the 23rd May, 1848.

CHARLES ALBERT.

No. 409.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, May 31, 1848.

HER Majesty's Government having received information that it is the intention of the combined Sardinian and Neapolitan squadron to go to Trieste, I have to instruct you to express to the Sardinian Government the hope of Her Majesty's Government, that any operations which this combined squadron may be ordered to undertake will be confined to the sea, and that no bombardment or cannonade of Trieste will take place; for that town contains a great quantity of British property which would, of course, be destroyed by such an attack, and thus British interests would suffer severely by such an operation, and feelings hostile to the Italians, and especially to the Sardinian Government, would be excited in the public in this country, not to mention claims to which losses so occasioned might give rise.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 411.—Viscount Ponsonby to Visc^t. Palmerston.—(Rec. May 31.)

MY LORD,

Vienna, May 25, 1848.

LETTERS received here this morning by a commercial house contain the following information:

Trieste, 23rd May.—The Austrian fleet has returned to this port,

and has taken up its position in the form of a crescent before the town.

The combined Neapolitan and Sardinian fleet, consisting of 28 sail, is now outside the port of Trieste.

The immediate surrender of the Austrian fleet is demanded by the enemy, a stipulation to that effect being contained, it is said, in the capitulation made by General Zichy at Venice. All the foreign Consuls met on board Her Majesty's steam-vessel *Terrible*, and drew up a protest against the bombardment of Trieste. That town is quiet, and the inhabitants, troops, and national guards are all animated by the best spirit.

The return of the Austrian fleet to Trieste is regarded as a fatal error.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 419.—Consul-General Dawkins to Viscount Palmerston.

(Received June 2.)

(Extract.)

Venice, May 25, 1848.

I HAVE the honour to transmit to your Lordship a copy of a note which I addressed, on the 20th instant, to Signor Manin, the President of the Provisional Government, calling his attention to the situation of 2 individuals, Marshal Bianchi, and the daughter of General Nugent, Austrian subjects, detained as hostages in the town of Treviso.

Both these persons were arrested some time ago: Marshal Bianchi, who has long retired from the service, while living on his property near Treviso; the daughter of General Nugent, whose husband is in the Austrian army, while on her way with her child into Germany.

The fate of the 3 individuals massacred by the populace of Treviso, as reported to your Lordship in my despatch of the 17th instant, and the threats which were known to have been uttered of an intention to put to death General Nugent's daughter, in the event of the General persisting in the attempt to take Treviso, made me consider it my duty to address this note to Signor Manin, in the spirit of your Lordship's instructions of the 5th ultimo.

I inclose a copy of a translation of the answer which I have received from Signor Manin and the Provisional Government.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure 1.)—Consul-General Dawkins to Signor Manin.

SIR,

Venice, May 20, 1848.

It is with unfeigned regret that I have read in the "Gazette of Venice," published yesterday evening, a gazette purporting to be

the official organ of the Venetian Republic, the bulletin of the war, dated Treviso, the 18th May, and signed Manaresi, sub-lieutenant director of the official bulletin, in which the following paragraph occurs: "Noi teniamo in ostaggio il vecchio Maresciallo Bianchi, e la figlia del Generale Nugent."

I have read this paragraph, Sir, not only with a feeling of regret, but with a feeling of horror, in consequence of the atrocity committed a few days ago at Treviso, upon the persons of 3 prisoners, who were cruelly and barbarously murdered at that place by the populace, for no other reason, as it seems, than because they had formerly served an Austrian Prince; and, incredible as it appears, this proceeding is described in a letter quoted in a newspaper of Lombardy as a deserved punishment.

Looking, then, to the fate of the 3 individuals above-mentioned, and considering the spirit in which their treatment appears to be regarded, I hasten, Sir, to bring under your notice the situation of Marshal Bianchi, and that of the daughter of General Nugent, and I have the honour to inform you that I have received instructions from the Government of the Queen my Sovereign, desiring me to represent to the authorities established in Venice the great injury that must accrue to their cause, and to the character of their country, by acting cruelly, or even harshly, towards any Austrian subjects who, in the performance of their duty towards their own Sovereign, might fall into the hands of the Venetians; and I am desired still more strongly to point out that in all wars the utmost possible respect is shown, and the greatest protection is afforded, to women and children whom the chances of events may place within the power of the enemies of their husbands, fathers, brothers, or sons.

I am instructed, Sir, to add, that Her Britannic Majesty's Government cannot believe that the Venetians will show themselves in this or in any other respect less generous than the people of other countries in Europe are accustomed to be; and I cannot for a moment doubt, Sir, that you will at once do full justice to the spirit of these observations, and that you will lose no time in causing such orders to be given as shall immediately provide at least for the removal of the persons I have mentioned, as well as of any others who may be similarly situated, from a place where there is too much reason to fear their lives cannot be considered in safety, and thereby prevent the possibility of the reproach being cast upon Venice of acting in a manner unworthy of a civilized nation.

I have, &c.

Signor Manin.

CLINTON G. DAWKINS.

(*Inclosure 2.*)—*Signor Manin to Consul-General Dawkins.*

(Translation.)

Venice, May 20, 1848.

You must be fully persuaded, Sir, that we participate in the sentiments of humanity expressed in your letter, and we think that during the brief period of the existence of our authority we have given proofs, not only of respect, but also of generosity, towards an enemy from whom we have received so much harm, and whose cruelties daily increase.

The atrocities committed by him in the Friuli and the province of Treviso, and particularly on the persons of the aged, of women, and children, will not, however, justify our acting in a similar manner. And we trust, Sir, that as you have expressed your horror and regret for the fate of the 3 prisoners at Treviso, in like manner all the representatives of the Powers of Europe, and their Governments likewise, but especially the British Government, will give expression to the feeling of indignation which must be excited in every honest mind at the barbarous warfare carried on by Austria, contrary to every usage among civilized people.

With respect to Marshal Bianchi, and the daughter of General Nugent, more effective measures to ensure their personal safety shall be taken.

Had it been possible to ascertain who were the individuals among the excited populace who committed the murders on the persons of the 3 prisoners (not merely guilty, as you, Sir, state, of serving Austria, but being the bearers of letters from the enemy with no other duty but that arising from a wish to favour the enemy, to the detriment of their country), they would have met with the merited punishment at the hands of the military authorities under whose jurisdiction the town of Treviso is solely at present.

We thank you, Sir, for your humanity, and beg you to extend its influence to all Italian families afflicted and destroyed by an unjust war.

By the Provisional Government of the Venetian Republic.

J. ZENFARI, *Secretary.*

MANIN, *President.*
TOMMASEO.

No. 424.—The Secretary to the Admiralty to Lord Eddisbury.

MY LORD,

Admiralty, June 2, 1848.

I AM commanded by my Lords Commissioners of the Admiralty to send your Lordship herewith, for the information of Viscount Palmerston, a copy of a letter dated the 23rd May, from Captain Ramsay, of Her Majesty's steam-vessel *Terrible*, requesting instructions as to the line of conduct he should pursue in the event of an attack being made on Trieste by the combined Sardinian, Neapolitan, and Venetian squadrons, without sufficient time being allowed for

the removal of British property ; also a copy of their Lordships' letter in reply to Captain Ramsay dated this day.

I am, &c.

Lord Eddisbury.

H. G. WARD.

(*Inclosure 1.*)—*Captain Ramsay to the Secretary to the Admiralty.*

SIR,

Terrible, Trieste, May 23, 1848.

I HAVE to inform you that the following squadron, namely, 5 frigates, 2 corvettes, 6 brigs, 1 schooner, and 5 steam-vessels of war, Sardinian, Neapolitan, and Venetian, are now off Trieste, apparently with the intention of attacking this town. The Austrian squadron took refuge here during last night and this morning. Preparations are being made here for resistance.

This morning I was joined by Her Majesty's ship *Spartan* and sloop *Harlequin*.

I have sent a letter to the Admiral commanding the foreign squadron, asking his intentions.

As the answer is hostile to Trieste, an important question arises: What time will be given to remove British shipping and property ; and if there is not sufficient time, am I justified in using force to resist the attack ?

I have, &c.

The Secretary to the Admiralty.

WM. RAMSAY.

(*Inclosure 2.*)—*The Secretary to the Admiralty to Captain Ramsay.*

SIR,

Admiralty, June 2, 1848.

IN return to your letter of the 23rd May, requesting to be informed as to the line of conduct you should pursue in the apprehended attack on Trieste, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that the case upon which you have consulted their Lordships is one with regard to which every naval officer must exercise his own discretion, when it actually occurs ; but that, assuming a sufficient time to be allowed for the removal of British property, my Lords cannot conceive the likelihood of anything occurring at Trieste to require a forcible interference of any kind on the part of one of Her Majesty's ships of war.

I am, &c.

Captain Ramsay.

H. G. WARD.

No. 425.—Viscount Palmerston to Baron Hummelauer.

SIR,

Foreign Office, June 3, 1848.

I HAVE not failed to make known to my colleagues and to Her Majesty the written and verbal communications which you have made to me upon the affairs of Italy, and the desire which, on the part of the Austrian Government, you have expressed that the British Government should endeavour, by the employment of its

good offices to effect an amicable settlement of the conflict now going on in the North of Italy.

I beg to assure you that the Cabinet of Vienna have not misjudged the sentiments of Her Majesty's Government in believing that it would afford Her Majesty's Government the sincerest pleasure to be able to be useful in these matters to His Imperial Majesty, and to have an opportunity of proving the great interest which they take in the well-being of the Austrian Empire, and the high value which they set upon the alliance which has so long, and so honourably to both parties, united the Imperial and British Crowns.

Her Majesty's Government will therefore cheerfully undertake the office which you have been instructed to propose to them, and will gladly exert their utmost endeavours to bring about by negotiation an amicable settlement of the conflict between Austria and her revolted provinces in Italy.

But before Her Majesty's Government can take steps in this matter, it is necessary that they should come to an understanding with the Austrian Government as to the basis upon which such a settlement could be made.

In considering this point there are two considerations which require to be well weighed and examined; the first is, what arrangement would, in the present state of things, be best for the true interests of Austria; and the second is what, in the present state of things, may be looked upon as practically attainable.

At first sight it might appear that it would be best for the interests of Austria that she should recover the whole of her Italian provinces; but even if this could by any possible means, either of compulsion or persuasion, be effected, well-founded doubts might be entertained whether such an arrangement would contribute to the real power and strength of the Austrian Empire. The spirit of separate nationality has become so universal and so strong among the Italians, that to keep those provinces in subjection would require on the part of Austria an employment of military force and an expenditure of money for which any advantages of any kind to be derived from the occupation of those provinces would afford an inadequate compensation. It is indeed understood that an opinion of this kind with regard to Lombardy was entertained by the Austrian Government itself at the Congress of Vienna; and that it was against his own inclination that the late Emperor was induced to include Lombardy in the Imperial dominions.

But it appears from the communications which you have made to me, that although the Austrian Government would be willing to treat for an arrangement by which Lombardy should be set free to dispose of itself as it might choose, provided it took upon itself a

fair proportion of the aggregate debt of the empire of which it has formed a part, yet the Austrian Government wishes to propose an arrangement by which the Venetian province will still continue to hold a modified connection with the Imperial Crown.

If such an arrangement were practicable, it might in many respects be advantageous not only to Austria, but even to the Venetian Province itself. But Her Majesty's Government fear that, however reasonable such a proposal may be in itself, and however calculated to have been acceptable to the Venetians, if it had been proposed to them some months ago, things have now gone too far to allow of there being any probability that such an arrangement would be accepted by the Venetians, or could be brought about by any means except absolute military conquest.

Her Majesty's Government therefore would be unwilling to enter upon a negotiation which, in their opinion, offered no prospects of success; and to make a proposal which they feel confident, beforehand, that one of the parties would positively refuse to accept.

It is for the Austrian Government to consider what the chances may be that a prolongation of the war would lead to the permanent re-conquest and to the secure and useful retention of the Venetian province. Upon this matter it would be presumptuous for Her Majesty's Government to offer an opinion; but they are convinced that, in calculating the chances of future events, the Cabinet of Vienna will not cast out of the account the number and the nature of the forces of all kinds which might eventually be brought to bear upon the Austrian troops, and the difficulty of converting again into submissive subjects a population which would have been almost universally engaged in hostilities against the Austrian arms.

If then, upon a full consideration of all the circumstances of the present case, the Austrian Government should feel disposed not to withhold its assent to an arrangement which, being framed upon the principles stated in your memorandum of the 24th ultimo, with reference to Lombardy, should include also such portions of the Venetian territory as may be agreed upon between the respective parties, Her Majesty's Government would lose no time in setting on foot a negotiation founded upon such a basis.

I am, &c.

Baron Hummelauer.

PALMERSTON.

No. 426.—The Hon. R. Abercromby to Viscount Palmerston.

(Received June 3.)

MY LORD,

Turin, May 29, 1848.

No further accounts of the operations of the Italian naval squadron in front of Trieste have been received at Turin since those of Saturday last, to the effect that the Austrian naval squadron had

been chased by the united naval squadrons of Sardinia and Naples, from Pola to Trieste, and that the commanders of the united Italian squadrons had summoned the commander of the Austrian ships of war to surrender, allowing him 24 hours to return an answer.

The Austrian frigate *Bellona*, forming part of the Austrian naval squadron, having fired some shots at the town and fort of Chioggia, and the Austrian naval squadron having exercised belligerent rights in declaring Venice in a state of blockade, the Sardinian Government have, in some degree, altered their line of policy in regard to the conduct of the naval portion of the war, as announced in the Marquis Pareto's note to me of the 29th March, and the commanding officer of the Sardinian squadron has now received orders, if possible, to capture the Austrian squadron.

In reply, however, to my question—whether any change had been made in the orders of the Sardinian naval officers with regard to the mercantile marine of Austria, the Marquis Pareto this morning at once informed me that the dispositions announced in his above-mentioned note to me, with reference to merchant-vessels sailing under the Austrian flag, remained exactly as they were, and that no impediment would be offered by Sardinian vessels of war to the free navigation of Austrian merchant-ships.

I took occasion, in the course of my interview this morning with the Marquis Pareto, to ask him what degree of truth there was in the report of the Sardinian naval commander off Trieste having threatened to bombard the town unless the Austrian squadron was surrendered to him; and I observed to the Marquis that a measure of this nature was a most questionable one, as it might afford a pretext for the armed interference of the German Confederation in the question of the Italian War of Independence.

It was, however, with much pleasure that I received from the Marquis Pareto positive assurances that no intention to bombard the town of Trieste existed, nor had any orders been given for such a measure, the Sardinian Government having been fully alive to the difficulties and complications to which an event of such a nature might very possibly give rise.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 427.—Vice-Consul Campbell to Visc^t. Palmerston.—(Rec. June 4.)

MY LORD,

Milan, May 28, 1848.

I HAVE the honour to inform your Lordship that this day, at 3 o'clock in the afternoon, the people of Milan in great numbers, and bodies of the national guard in uniform with their colours flying but without their arms, met together in the Piazza San Fedele, and demanded the following guarantees from the Provisional Government:

1. The indissolubility of the national guard as it is now established.

2. The right of association.

3. The liberty of the Press.

4. The Constituent Assembly.

The President as the organ of the Provisional Government, declared that all the rights of freedom should be inviolate; but the people insisting on a more decided answer he came forward and repeatedly addressed them. These addresses were interrupted sometimes by applause, sometimes by signs of disapprobation. The President, on finding the multitude did not stir from the Piazza, and were becoming more and more impatient, promised them at last that to-morrow the 4 above-mentioned Articles should be embodied in a decree. On this being announced they all dispersed quietly, the national guard marching off in military order.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 428.—*Vice-Consul Campbell to Visc^t. Palmerston.*—(Rec. June 4.)

MY LORD,

Milan, May 29, 1848.

I HAVE the honour to inform your Lordship that, in consequence of the demonstration that took place yesterday in the Piazza San Fedele, and agreeably to the promise of the President of the Provisional Government (as stated in my despatch of yesterday), a decree was issued this morning to the following effect :

“The people of Lombardy enjoy at present :

“1. The liberty of the press ;

“2. The right of association ;

“3. The national guard.

“The people of Lombardy shall preserve these privileges in their actual extent and form until the Constituent Assembly regulates the political condition of the people.

“The law by which the Constituent Assembly is to be convoked, shall be on the basis of universal suffrage.

“The Provisional Government of Lombardy places these its declarations under the safeguard of the honour of the country and of the patriotism of the national guard.”

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 429.—*Vice-Consul Campbell to Visc^t. Palmerston.*—(Rec. June 4.)

MY LORD,

Milan, May 30, 1848.

I HAVE the honour to submit to your Lordship a statement of events that took place during the afternoon and the night of yester-

day. My despatches of the 28th and 29th instant will have made your Lordship aware of what had occurred between the Provisional Government and the people on the 28th up to noon of the 29th, the time I usually post my letters.

Between 11 and 12 o'clock small groups of people began to assemble in the Piazza S. Fedele, which at noon amounted to about 3,000, and which never exceeded that number. They called on the President to present himself to them, but he did not comply with their request. On which a party of the people, headed by a man named Urbino, rushed up stairs into the Marino Palace, invading the rooms occupied by the Provisional Government. The people who accompanied him seemed to have been led there more by curiosity than by a feeling of hostility to the Government. Among them were many of the populace, and several young men of a respectable condition of life. Urbino attempted to possess himself of the President's insignia of office, but was prevented by some members of the Provisional Government then present. Urbino then proceeded to the balcony of the Marino Palace overlooking the Piazza S. Fedele, and bawled out, "The Provisional Government is dissolved." He then pulled out a paper containing the names of a new Provisional Government, which he attempted to read to the people underneath; but a bystander snatched it from him and tore it. The people who followed him into the apartments did not offer the slightest violence to the members there assembled, or attempt to injure or carry away anything. Some few of the young men used vehement language in the name of the sovereign people, but so wild and incoherent, that although the members of the Government were inclined to listen to them, no sense could be made out of what they meant. The common people of the party in the meantime sauntered about the rooms, or looked out of the windows, while a number of students, who happened to be in the Marino Palace at the time on business relating to the regiment that had lately been formed of them, surrounded the tables and prevented any of the papers lying there from being touched. Urbino, after remaining in the Marino Palace for half an hour, came down into the square with his followers, and called out to the people, "The Provisional Government has resigned!" Cries of "No! no!" resounded from all quarters, with "Viva Casati! Viva il Governo Provvisorio!" The President then appeared on the balcony with his badge of office, when he was received with loud cheers. He addressed them in a firm and decided manner, saying that if any class of people had cause of complaint against the Government, they should send a deputation with whom they might consult; that it was impossible to confer from a balcony on grave political matters, nor was it decorous that he should be called upon to do so.

This determined tone exasperated the leaders of the movement, which, besides Urbino, consisted of 2 other persons, named Brescianino and Romani, who called out, "Abasso il Governo Provvisorio!" and inveighed strongly against all the measures of the Government. The greater part of the people who, as was before stated, never amounted altogether to more than about 3,000, attempted to seize them. They fled. Brescianino, who is also said to have laid violent hands on the President, was taken in the vicinity of the Piazza, in Contrado S. Vittore e S. Martin. Urbino was arrested about 8 o'clock in the evening. Romani is still at large. I should mention that Urbino is a Genoese, only lately returned to Italy, from which he has been absent for 20 years. He is by profession an advocate. Brescianino is a native of Mantua, an unlicensed lawyer, commonly termed at the tribunal "Faccendiere" or "Imbroglione." Romani, who too is a native of Mantua, has been from his earliest years a comedian, a theatrical correspondent, and what is called here, a "sensale di virtuosi" (agent for dancers and singers). The universal opinion is, that these men are in the pay of the Austrians. When the news became generally known throughout the city of the disgraceful scene that had occurred at the Provisional Government, meetings of the national guards were held in all the different parishes, who having arranged that a body from each parish should proceed to the Piazza S. Fedele, and testify their disapproval of the insult offered to the Government and to themselves by an insignificant number of the people, led on by a few adventurers, went in military order, with their colours flying, but without arms, accompanied by the archbishop and the higher clergy, to the Piazza S. Fedele. On their arriving there enthusiastic cheers burst out on all sides, with cries of "Viva il Governo Provvisorio! Viva Casati!" The President came forward, and addressing the national guard, said, "The liberties you have acquired by your courage, shall be handed down to you unimpaired. Continue to confide in us as you do at this moment. Our endeavours are all directed to the common good; and should we fall short of your expectation, you must assist us and defend us." After this the national guard marched off to their different guard-houses, where they were dismissed. During the night the town was illuminated, and the greatest joy, combined with the most orderly conduct, pervaded all classes.

I have the honour to inclose the translation of an order of the day from the Provisional Government to the national guard, which has just been issued. I must here mention that at an early hour yesterday, the anniversary of the battle of Legnano, at which the Germans under the Emperor Federico Barbarossa were defeated and driven out of Lombardy, in the year 1167, was celebrated in the ancient metropolitan church of S. Ambrogio. The Provisional

Government, the national guard, and deputations from the different institutions in Milan, were present at the ceremony.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

(Inclosure.)—*Order of the day of the Provisional Government of Lombardy to the National Guard.*

(Translation.)

Milan, May 29, 1848.

CITIZENS of the national guard, you have saved the country, you have vindicated the sovereignty of the people from the outrages of a few evil-designed persons, who wished to render it a slave to anarchy. A day which commenced so dark and threatening, finished in one of those patriotic festivals which is enough for the glory of a people, and places their character in its true light. You showed yourselves this morning to be inspired with holy sentiments at the sublime recollections of the battle of Legnano, of which you celebrated the anniversary with such touching solemnity.

This day completes the days of March, once more you have conquered the Austrian, once more you have expelled him from your glorious walls.

Those few misled and unprincipled men, who imagined to make this heroic city the seat of insane and guilty riots, will no more dare to abuse the holy name of the people. You have shown who and where the people are.

The Government thanks you in the name of our common country, Italy. It does not renew to you the promise that your institutions shall be preserved in all their integrity. You have openly demonstrated that it would be a thing, not only stupid but impossible, any attempt to alter or suppress them. The 29th of May seals the inviolability of your right.

CASATI, *President*

BORROMEO.

CARBONERA.

DURINI.

GRASSELLI.

P. LITTA.

BERRETTA.

STRIGELLI.

DOSSI.

GUERRIERI.

TURRONI.

MORONI.

AB. ANELLI.

REZZONICO.

GIULINI.

For the Secretary-General, A. MAURI, *Secretary*.

No. 430.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. June 5.)

MY LORD,

Vienna, May 28, 1848.

I HAVE the honour to inclose copy of a despatch from Her Majesty's Vice-Consul at Trieste.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure 1.*)—*Vice-Consul Raven to Viscount Ponsonby.*

MY LORD,

Trieste, May 25, 1848.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch dated the 22nd instant. The time occupied in communicating with Captain Ramsay of Her Majesty's ship *Terrible*, prevents me giving you the details per this opportunity of what steps have been taken by the different Consulates with the combined Sardinian, Neapolitan, and Venetian squadrons; all measures that have been adopted, I am happy to inform your Excellency, are in unison with your instructions.

The squadron bore away this morning at about 3 o'clock, and is now nearly out of sight.

I have, &c.

Viscount Ponsonby.

HENRY RAVEN.

(*Inclosure 2.*)—*The Consular Body at Trieste to Vice-Consul Raven.*

SIR,

Trieste, May 23, 1848.

THE Undersigned Consuls have been informed that a Neapolitan and Sardinian fleet is approaching this city with a hostile view. They beg leave to request you to use your influence with the commander of Her Britannic Majesty's naval force now in this port, for him to communicate with the commanders of the fleets hostile to Austria, and to request of them to desist from an attack upon this port and city, at least so long until a sufficient time shall have been allowed to the foreign residents of this city to remove their persons and property to a safe place.

They also beg of you to request of the commander of Her Britannic Majesty's forces, to give, if possible, to a committee of Consuls appointed by the Consular Corps of this city, a passage to the said fleet hostile to Austria and back again in this city.

The Undersigned, &c.

E. WARRENS.

S. DE CAZZAITI.

RENNER.

G. SARTORIO.

G. MANZARINI.

GILES HILL.

G. GUIBBARD.

F. FALKNER.

FREDR. TERME.

J. KONOW.

CTE. CASINI.

G. GA. BRENTANO.

(*Inclosure 3.*)—*Vice-Consul Raven to Captain Ramsay.*

SIR,

Trieste, May 23, 1848.

I HAVE the honour to inclose you a letter just received from the Consuls of the foreign Powers resident in this city, in which they entreat me to apply to you claiming your interference in case of hostile intentions on the part of the combined Sardinian and Neapolitan fleets now off this port.

I have, &c.

Captain Ramsay.

HENRY RAVEN.

No. 431.—*Viscount Ponsonby to Viscount Palmerston.*—(Rec. June 5.)

MY LORD,

Vienna, May 30, 1848.

I HAVE the honour to forward a letter I received this day from Mr. Raven, Her Majesty's Vice-Consul at Trieste, which states that on the 27th, at 8 A.M., the combined Sardinian and Venetian squadron was in sight, and is approaching Trieste. No Neapolitan colours are visible.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(*Inclosure 1.*—*Vice-Consul Raven to Viscount Ponsonby.*)

MY LORD,

Trieste, May 27, 1848.

I HAVE the honour to inclose your Exceellency copies of the various communications made from this city to the combined Sardinian and other squadrons of this port. I have not a copy of the communication made by Captain Ramsay, of Her Majesty's ship *Terrible*; neither have I a copy of one made exclusively by the French Consul, on behalf of that nation, on the 24th instant. The French steamer *Asmodée* arrived in this port on the 25th instant, from Venice.

The combined Sardinian squadron was in sight this morning at 8 o'clock, and is approaching this port. From the appearance of the same, it is supposed to consist of Sardinian and Venetian vessels only, no Neapolitan colours being visible; and the reduced number leads us to believe this to be the case.

I have, &c.

Viscount Ponsonby.

HENRY RAVEN.

(*Inclosure 2.*)—*Vice-Consul Raven to Captain Ramsay.*

SIR,

Trieste, May 23, 1848.

I, THE Undersigned, Her Britannic Majesty's Vice-Consul of this city, request your immediate attention to the desires of Her Britannic Majesty's subjects in this port, that you should communicate forthwith with the Sardinian, Neapolitan, and Venetian squadrons now bearing up for Trieste, to ascertain the intentions of their respective ships, and in the event of their intentions being hostile on this port, we calculate on your demanding that sufficient time be granted to Her Britannic Majesty's subjects and the British shipping in port, to place their lives and property in safety.

I have, &c.

Captain Ramsay.

HENRY RAVEN.

(*Inclosure 3.*)—*Captain Ramsay to Vice-Consul Raven.*

SIR,

Terrible, Trieste, May 24, 1848.

I BEG leave to acknowledge your letter of the 23rd instant, with an application from the foreign Consuls at Trieste that I would take steps to ascertain, as far as the lives and property of those belonging

to their different nations were concerned, "what were the intentions of the squadron at present off this port." Would you inform these gentlemen of my proceeding which I had taken before receiving their application? Would you also state to them, that although there will be no interference on my part in the political questions now pending, I shall always be most happy to use my best endeavours for the preservation of the different individual interests of the nations that these gentlemen represent, being fully convinced that any officer of those different nations, placed as I am now, would do the same for British subjects; I need hardly add that the truth of the latter remark has been verified more than once within the last few years.

I have, &c.

Vice-Consul Raven.

WILLIAM RAMSAY.

(Inclosure 4.)—*The Consular Body at Trieste to Rear-Admiral Albini.*
M. L'AMIRAL, *Trieste, le 24 Mai, 1848.*

AYANT eu connaissance de la communication que vous avez faite hier au commandant de la frégate-à-vapeur de Sa Majesté Britannique *Le Terrible*, les Soussignés, Consuls-Généraux, Consuls, et Agents Consulaires, trouvent de leur devoir de vous présenter les observations suivantes.

Vous déclarez, M. l'Amiral, que les forces navales sous vos ordres ne se trouvent dans ces eaux que seulement pour la défense de votre commerce.

Mais le commerce de toutes les nations a jusqu'à ce jour joui à Trieste d'une liberté et d'une protection parfaite qui n'a été troublée ni pour les personnes ni pour les propriétés, et nous en avons vu jouir au milieu de nous jusque aujourd'hui les sujets de Sa Majesté Sarde et de Sa Majesté Napolitaine et leurs navires.

Pour ce qui regarde le commerce des sujets Sardes en particulier, il est garanti par la déclaration de Sa Majesté le Roi Charles Albert publiée ici le 8 Avril dernier par son Consulat, à laquelle répondit une contre-déclaration de Sa Majesté l'Empereur d'Autriche dans le même sens satisfaisant. Cet état heureux de tranquillité se trouve au contraire gravement compromis, M. l'Amiral, par l'attitude que les forces navales sous vos ordres ont prise devant ce port, et la promesse verbale que vous avez faite à M. le Commandant du *Terrible* de n'entreprendre aucune mesure hostile contre la ville sans en donner un avis préalable, ne suffit pas pour rassurer le commerce.

Considérant l'importance des intérêts divers que nous sommes appelés à protéger, nous ne pouvons nous dispenser de vous demander une manifestation rassurante plus explicite. Trieste est port franc et presque toutes les nations y ont des intérêts majeurs; si des faits hostiles venaient à compromettre le port et la ville, les

conséquences en seraient incalculables, et au nom des Puissances que nous représentons, nous protestons, dès-à-présent de la manière la plus solennelle contre toutes les suites funestes qui pourraient en résulter aux intérêts que nous sommes en devoir de protéger en vous tenant responsable, M. l'Amiral, et les Gouvernemens auxquels appartiennent les forces navales sous vos ordres, de tous les dommages et préjudices qui seraient causés à ces intérêts.

Nous vous prions, M. l'Amiral, d'agréer, &c.

HENRY RAVEN.
 COMTE CASSINI.
 RENNER D'OESTERREICHER.
 VIANNA DE LIMA.
 G. MANZURANI.
 EDWARD WARRENS.
 S. DE CAZZAITI.
 SEBASTIAN VILLAR.
 J. KONOW.
 F. FALKNER.
 LOUIS FRANC NUSTERER.
 D. P. DUTILH.

Les Consuls Soussignés des Etats qui composent la Confédération Germanique en accédant pleinement aux protêts qui précèdent ne peuvent se dispenser d'appeler l'attention de M. l'Amiral sur la circonstance que Trieste fait partie de la Confédération Germanique, et que toute attaque contre Trieste serait par conséquent une attaque contre la Confédération Germanique.

H. LUTTEROLT.
 G. GWINNER.
 J. G. SARTORIO.
 G. HILL.
 TEOF DE KERN.
 A. BOCKMAN.
 J. GUEBHARD.
 JOS. PREY.
 SALOMONE DE PARENTE.
 J. J. A. BRENTANO.

No. 432.—Sir G. Hamilton to Viscount Palmerston.—(Rec. June 5.)
 MY LORD, *Florence, May 29, 1848.*

I REGRET to have to inform your Lordship that Florence was the scene of a disgraceful outrage on Friday evening. The Neapolitan General Statella arrived about 4 o'clock charged with verbal explanation for the Neapolitan Government from General Pepe, probably to the effect that if he obeyed the King's orders and marched his

troops through Romagna from the scene of war, that they would be cut off in detail by the enraged inhabitants of the countries through which they must pass.

The population of Florence who only saw in the return of General Statella to Naples, an officer who had deserted the Italian cause, and also obeyed the orders of his unpopular Sovereign, menaced his life, but the master of the hotel had him conveyed privately to the fortress for his security.

In the course of the evening the mob got possession of the General's carriage, dragged it to the same part of the city where the arms of the Neapolitan Minister's residence had been burnt, and where the carriage and all its contents shared the same fate. The people did not discover until it was too late, that General Statella was dispatched to Naples by General Pepe.

This outrage was perpetrated in the presence of 160 national guards, who had not received orders to act, and who quietly looked on.

I have, &c.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 433.—*Lord Napier to Viscount Palmerston.*—(Received June 5.)

MY LORD,

Naples, May 28, 1848.

SINCE I had the honour to address your Lordship on the 19th instant, public tranquillity has not for a moment been disturbed at Naples, and although several parts of the country have manifested some agitation and disquietude, it is only, as far as I know, at Ariano, and at Cosenza and other chief towns of Calabria, that any formal defiance of the royal authority has taken place.

At the former, an insignificant place of the "Principato Ultra," a Provisional Government was declared, but was quickly suppressed; and the national guard, which had connived or assisted, has been dissolved by Royal ordinance.

At Cosenza the movement was more serious, and was accompanied by the levy of a large force of the surrounding peasantry, a people always ripe for mischief. There, too, a Provisional Government was appointed, but the disorder seems to have remained stationary or to have subsided, and we are assured that the Committees of Public Safety have been dissolved.

In the vicinity of Reggio there have been disturbances of the lower orders, perhaps without any definite political purpose, but involving of course some danger to the possessions of rich and peaceful proprietors and a demoralizing cessation of rural labour.

It appears that these partial outbreaks were in some measure previously prepared by the instigation of the same parties who directed the revolt at Naples, and partly they have been produced

by a misunderstanding of the causes and character of the latter; but on the whole the crisis has passed over with less harm than might have been predicted, the designs of the ill-disposed have been frustrated, and the apprehensions of those who were solicitous for the preservation of the constitution, have been allayed by the temperate course pursued by the King, and by the convocation of the electoral colleges on the 15th of next month, and of the new Parliament on the 1st of July.

Of the numerous prisoners confined in the arsenal and the castles on the 15th instant, not more than six have been retained for trial, the rest having been freely enlarged after a few days' detention. Their liberty will be confirmed, it is said, by a declaration of amnesty on the approaching name day of His Majesty the King.

By a Royal ordinance of the 24th instant, the decree of April 5th, which granted a somewhat indefinite enlargement to the original electoral statute, has been repealed, but the electoral qualification prescribed by that law has been reduced to one-half, so that those who have an annual income rated to the property tax of 12 ducats (2*l.*) or enjoy an interest of the same amount in the public funds, will exercise the electoral franchise, while a revenue of 120 ducats (20*l.*) derived from the same sources will entitle the possessor to be chosen a Deputy.

This qualification is no doubt sufficiently low, but it rejects a number of tenants, tradesmen, and professional persons, who may not happen to be holders of real property, or Government securities, and who may yet be more intelligent and wealthier than many who are so, and as the former classes were especially favoured by the Decree of the 5th of April, now abrogated, some discontent may be occasioned by their exclusion.

A decree was also issued in the Government journal of the 25th instant, for the better order of printing. It contains provisions for the suppression of political placards, and the hawking of broadsides and caricatures, which are now only to be vended by persons authorized to that effect by the police, and intimates that copies of all newspapers and other journals are to be supplied to that department, and to the public prosecutor at the criminal court, on the day of their distribution, but not before it.

A power is also reserved to Government to suspend the publication of any journal in case of serious offence, with the condition, however, that the matter is to be brought before the criminal court of appeal, for definitive adjudication, within 10 days.

It may be hoped that no occasion will occur for the exercise of the latter power; the tone of the journals which have survived the late convulsion is greatly mitigated, whilst certainly not less than 30 of the most obnoxious newspapers have expired, and it will be one

of the first duties of Parliament to pass a permanent statute for the regulation of the free press.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 434.—Lord Eddisbury to the Secretary to the Admiralty.

SIR,

Foreign Office, June 6, 1848.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 2nd instant, requesting to be informed what line the commanders of Her Majesty's ships of war should take if an attack were to be made on Trieste by the squadrons of Sardinia and Naples.

In reply, I am directed to transmit to you, for the information of the Lords Commissioners of the Admiralty, copy of a despatch from Her Majesty's Minister at Turin, from which their Lordships will perceive that there is no intention on the part of the Sardinian Government of attacking the town of Trieste, and all that is meant is to take, if possible, the Austrian squadron. I likewise transmit to you the accompanying copy of an instruction which Viscount Palmerston addressed to Mr. Abercromby previously to the receipt of the despatch above referred to, directing him to dissuade the Sardinian Government from making any attack upon the town of Trieste.

In submitting these papers to the Lords Commissioners, you will inform their Lordships that their substance may be communicated to Sir William Parker, but that British officers commanding off Trieste would not be justified in interfering forcibly to prevent an attack, though they should remonstrate against it if likely to be made, and should represent that much of the loss which would be thereby occasioned, would fall on British merchants whose property would be destroyed.

I am, &c.

The Secretary to the Admiralty.

EDDISBURY.

No. 435.—Consul-General Dawkins to Viscount Palmerston.

(Received June 6.)

MY LORD,

Venice, May 28, 1848.

ON the receipt of the inclosed letter from Captain Ramsay, of Her Majesty's ship *Terrible*, transmitting copies of his correspondence with the Governor of Trieste respecting the intentions of the Neapolitan squadron in regard to the steam-boats of the Austrian Lloyd's Company, having English mails and passengers on board, I wrote a letter to the Neapolitan Consul in Venice, asking him to give me information on this subject, and I have now the honour to transmit a copy of my letter, and a copy and translation of the answer which I have received, from which your Lordship will perceive that the Neapolitan Admiral declares that, unless he receives different

orders, the steam-boats in question have nothing to fear for their commercial operations provided they be not armed with artillery and do not carry on any military operation, or transport troops or munitions of war of any kind. I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(*Inclosure 1.*)—*Captain Ramsay to Consul-General Dawkins.*

SIR,

Terrible, Trieste, May 20, 1848.

I INCLOSE a copy of a correspondence that I have had with his Excellency Count de Salm, Governor-General at Trieste.

If you are enabled to obtain information whether the Neapolitan squadron intend interfering with the vessels of the Austrian Lloyd's Company, it would certainly be advantageous.

I have, &c.

Consul-General Dawkins.

WM. RAMSAY.

(*Inclosure 2.*)—*The Governor of Trieste to Captain Ramsay.*

SIR,

Trieste, May 19, 1848.

AFTER the conversation I had with you, as you honoured me yesterday with a visit, I received the inclosed instance from the Directors of the Austrian Lloyd's Steam Company, of which I beg your Honour kindly to take notice.

Your Honour will see what it may be in your power to do according to your instructions, or perhaps will find the case worthy of requesting some ulterior instructions to depend upon.

If I may venture some opinion I would suggest that a single declaration made to the commander of the Neapolitan squadron by the commander of a British man-of-war, that he would not suffer the steamers in question to be injured, would be quite a sufficient protection for them.

I have, &c.

Captain Ramsay.

THE COUNT DE SALM,
Governor of the Littoral.

(*Inclosure 3.*)—*The Directors of the Austrian Lloyd's to the Governor of Trieste.*

SIR,

Trieste, May 18, 1848.

WE, the Undersigned, have the honour to inform you that as the *Italia*, commanded by Captain Florio, will return from Alexandria on or about the 24th instant, with the Anglo-Indian mail and passengers from Bombay, and the British Government having been informed that from the 10th instant a direct monthly communication would be kept up between Trieste and Alexandria, it must naturally be anxious that this important line is not interrupted from any untoward event.

We further beg to point out that a regular steam communication

is kept up between this port and Corfu, from whence the English mails, cargo, and passengers are conveyed by our steamers.

Under these circumstances we feel ourselves quite justified to request you, Sir, to call upon the senior officer commanding Her Britannic Majesty's vessels at this port, to take such measures regarding our steamers plying from this to Corfu and to Alexandria, as to prevent them from being stopped by the Neapolitan squadron cruising in the Adriatic Sea, as the British Government, for the reasons stated above, is a party much interested in the matter.

We have, &c.

ZACCARIAH BRINSLEY.

H. SHAFER.

The Governor of Trieste.

(Inclosure 4.)—*Captain Ramsay to the Governor of Trieste.*

SIR,

Terrible, Trieste, May 19, 1848.

I HAVE had the honour of receiving your letter of this day's date, with the inclosed one from the Directors of the Austrian Lloyd's Company, and I shall forward these communications by the first opportunity to Vice-Admiral Sir William Parker, Bart., G.C.B., Commander-in-chief of Her Britannic Majesty's ships in the Mediterranean, and also to Her Britannic Majesty's Consul-General at Venice.

With every wish that such an unjust proceeding (a proceeding that I can hardly believe possible) as the seizure of any of the Austrian Lloyd's vessels by the Neapolitan squadron should not take place, I cannot make that declaration to the Neapolitan Admiral to which your Excellency alludes without being prepared to follow it up by giving effectual protection. I have, &c.

The Governor of Trieste.

WILLIAM RAMSAY.

(Inclosure 5.)—*Consul-General Dawkins to the Neapolitan Consul in Venice.*

SIR,

Venice, May 21, 1848.

It is doubtless well known to you that the steam-vessels belonging to the Company of the Austrian Lloyd's run regularly between Trieste and Alexandria, and between Trieste and Corfu, and that these vessels are in the habit of conveying English mails and passengers; and I have the honour, Sir, to request, that you will be pleased to acquaint me, for the information of my Government, whether, under existing circumstances, the Admiral commanding the squadron of His Majesty the King of Naples, cruising in the Adriatic, and now off the port of Venice, has any intention of interfering with the vessels of the Austrian Lloyd's Company above mentioned.

I have, &c.

G. Campana, Esq.

CLINTON G. DAWKINS.

(Inclosure 6.)—*The Neapolitan Consul to Consul-General Dawkins.*
(Translation.)

SIR,

Venice, May 22, 1848.

THE absence of the squadron of His Majesty the King my Sovereign at the date of the receipt of the letter which you did me the honour to address me, prevented the possibility of my furnishing you with the information which you therein requested.

And this morning, on the return of the squadron off this port, while preparing to have a communication with the Admiral, I was disappointed, as the squadron got under weigh on the arrival of the Sardinian squadron, and both stood out to sea together.

Having thus been prevented, Sir, from replying sooner to your letter, I hasten to acquaint you with the cause, reserving to myself the satisfaction of affording you the required information as soon as the squadron shall return to its anchorage off this port.

I have, &c.

Consul-General Dawkins.

G. CAMPANA.

(Inclosure 7.)—*The Neapolitan Consul to Consul-General Dawkins.*
(Translation.)

SIR,

Venice, May 27, 1848.

I HASTEN to transmit to you a copy of the letter in which Rear-Admiral Baron de Cosa, commanding the Royal Neapolitan squadron in the Adriatic, replies to the questions you put to me in your letter of the 21st instant.

Receive, &c.

Consul-General Dawkins.

G. CAMPANA.

(Inclosure 8.)—*Admiral Cosa to the Neapolitan Consul.*
(Translation.)

SIR,

Malamocco, May 26, 1848.

IN reply to your letter of the 22nd instant, I hasten to inform you for my part, that unless I receive different orders, the steamboats of the Lloyd's Company will have nothing to fear for their commercial operations, provided the said boats be not armed with artillery, and do not carry on any military operation, or transport troops or munitions of war of any kind.

Receive, &c.

G. Campana, Esq.

BARON DE COSA.

No. 436.—*Consul-General Dawkins to Viscount Palmerston.*
(Received June 6.)

MY LORD,

Venice, May 28, 1848.

WITH reference to my despatch of the 24th instant, I have the honour to transmit to your Lordship the accompanying copy of the "Bulletin of the Fleet," published last night, from which your Lordship will perceive that the 5 steamers forming part of the

Neapolitan squadron had returned from the opposite coast to Venice for the purpose of taking in coal, and that two of them were about to return to Naples, while the other 3 would rejoin the allied Italian squadrons off the Istrian coast.

It is asserted and believed here, that the King has sent orders to the whole of his fleet to return to Naples, and this belief gave rise to the correspondence which your Lordship will find in the accompanying number of the "Venice Gazette," wherein Signor Leopardi, the Neapolitan Envoy at the Court of Sardinia, writes to the Neapolitan Admiral from Venice, stating that although ignorant of the instructions the Admiral may have received from the King, he (Signor Leopardi) orders the Admiral to remain in the Venetian waters, and holds him responsible to the Neapolitan nation and to all Italy for the consequences of disobeying this order.

The Neapolitan troops which were on their march to these provinces under Generals Pepe and Stratella, received at Bologna orders to suspend their march and return to Naples. General Pepe and a large body of the troops refused to acknowledge this order, while General Stratella signified his intention of obeying it, the consequence was that the latter General was arrested and placed in confinement at Bologna, the inhabitants of which town sided with General Pepe.

General Pepe is now on march from Bologna hitherwards, but with a very reduced body of men, as a great many have availed themselves of the King's orders to return to their own country.

It appears that the Austrians have been again repulsed in a fresh attack upon Vicenza, and that they have withdrawn to Verona.

In this attack it is asserted that the Austrians suffered considerably from the Swiss troops under General Durando.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure 1.)—*Bulletin of the Fleet.*

(Translation.)

Venice, May 27, 6 P.M.

On the 24th instant the new corvette named *La Lombardia*, sailed from our port under the flag of Rear-Admiral Bua, and on the same day joined the Italian fleet in the Gulf of Trieste.

The announcement that the Neapolitan squadron was recalled to Naples had caused the suspension of the plan of operations which had been settled.

The Italian fleet left Trieste on the night of the 24th instant, sailing towards the coast of Istria, and at the moment of departure the sentinels of Trieste fired some gun shots and 6 cannon shots.

The appearance of the Italian flags produced some movement among the inhabitants of Istria.

The 5 Neapolitan war-steamers arrived at the anchorage of Pelorosso to take in water and coals. 2 of them are gone to the Kingdom of Naples, and others are preparing to join the allied squadrons, which are animated by the best spirit, and which already command the Adriatic, the enemy's squadron no longer daring to leave the roads of Trieste.

By order of the Provisional Government,

J. ZENNARI, *Secretary-General*.

(Inclosure 2.)—Correspondence from the "*Gazzetta di Venezia*," of May 25, 1848.

The Provisional Government to the Neapolitan Envoy.

(Translation.)

EXCELLENCY,

Venice, May 24, 1848.

THE fine Neapolitan fleet reached our port a few days ago, welcomed and fêted by all our population, because the moment it was descried the city was liberated from the blockade which it had begun to suffer from the Austrian squadron, supported at Trieste by steamers and ships furnished and armed for the injury of our common Italian country.

But the expression of public gratitude had hardly begun when the unexpected news was spread about, that orders had been sent to the fleet to return to the Neapolitan ports; and this report, believed in a thousand ways, occasioned a feeling of profound sorrow and astonishment in the minds of all.

Excellency, we know you to be the depository of the high designs of your august Sovereign, who was desirous of uniting with the other Princes of Italy, and of sending his generous contingent by land and sea to the holy war of Italian independence. We have all reckoned upon this contingent; and the expedition which followed by sea and land proved that we had justly depended on the word of your King, corroborated by his deed.

Now, if the report which is spread abroad were well-founded, we should see overturned the plans we have formed for our defence, and we should also see our enemy's plans so much the more promoted for want of the help which we had begun to make use of, as we are less able now to supply its place.

Excellency, we are not unacquainted with your noble and firm resolution not to hinder the advance of the Neapolitan army towards these provinces; we cannot then doubt that you will, in the like case, oppose an equally effectual resistance to the return of the fleet.

Strong by the command you bear from your Sovereign,—zealous for the triumph of Italian independence,—we expect from your high

mission and bold patriotism the assurances which may avail to destroy fears which are perhaps ill-founded.

Receive, &c.

From the Provisional Government of the Venetian Republic.

MANIN, *President.*

ZENNARI, *Secretary.*

PINCHERLE.

The Neapolitan Envoy to the Provisional Government.

(Translation.)

Venice, May 24, 1848.

I CANNOT satisfy the Provisional Government of the Republic of Venice with respect to the good intentions of His Sicilian Majesty towards the most holy cause of Italian independence better than by the inclosed copy of a letter from me to his Excellency Admiral de Cosa, commanding the Neapolitan squadron in the Adriatic, to be sent to him in Venice, or wherever he may be.

As, however, I have no official mission with the Venetian Republic, I must, with much regret, declare that the present officious reply has no connection with my diplomatic capacity.

In the meantime I pray, &c.

PIETRO LEOPARDI.

The Neapolitan Envoy to the Neapolitan Admiral.

(Translation.)

Venice, May 24, 1848.

THE withdrawal of the Neapolitan troops of His Sicilian Majesty sent to Lombardy at the request of His Sardinian Majesty, together with the fleet commanded by your Excellency, with the object of actively co-operating in the war which is now carrying on for the independence of Italy, has not been effected, and his Excellency Lieutenant-General Pepe passes the Po to-morrow, to occupy the honourable post assigned to him by the King of Sardinia in the great Italian army which is before the enemy.

Having proceeded to Venice, in anticipation of advice from his Excellency the Minister for Foreign Affairs, to take measures for the reception of our troops in the Venetian Provinces, where they are intended to act, the Provisional Government of the Venetian State has addressed to me a letter, copy of which I inclose, from which it appears that a report is spread that the Neapolitan squadron under command of your Excellency is about to return to Naples.

I know not if your Excellency has received any despatches relative to this matter; but in this doubt, as by express command of His Sicilian Majesty, I have had to assure His Sardinian Majesty that the fleet would accompany the land troops until Italy should be delivered from the stranger; and as I am especially directed to develope and improve, on every occasion, the lofty feelings of Italian patriotism testified by His Sicilian Majesty in the proclamation of the

7th of April last, I think it my duty to request your Excellency—and, if required, to command you in the King's name—to remain in the neighbourhood of Venice with at least the greater part of the fleet; solemnly declaring your Excellency, and all the officers of the said fleet who shall receive notice of these my directions, responsible, not only before His Majesty, but before the Neapolitan nation and the whole of Italy, for all damage which may accrue from their not being followed.

I must observe to your Excellency, that the words underlined are extracted from my instructions signed by His Sicilian Majesty with his own hand, and constitutionally countersigned by his Excellency the Minister of Foreign Affairs.

PIETRO LEOPARDI.

No. 439.—*Vice-Consul Campbell to Visc^t. Palmerston.*—(Rec. June 6.)

MY LORD,

Milan, June 1, 1848.

I HAVE the honour to inform your Lordship that the following extraordinary bulletin was issued yesterday:

"30,000 Austrians attacked our positions of Goito; 15,000 of ours defended them.

"There was a brisk fire of artillery, which lasted six hours. At the end of it, our cavalry drove back the enemy, and followed him up towards Mantua.

"In a regular battle the Italian army routed entirely the Austrian.

"The King, as usual, and more than usual, was exposed to the continual fire of artillery, and was slightly wounded in the eye. The Duke of Savoy was also wounded in the thigh; but neither the one nor the other dismounted from their horses.

"General Bava led our troops, and showed great gallantry.

"At the departure of the courier, 2 regiments of cavalry were still in pursuit of the enemy.

"At this moment the news has arrived that Peschiera has surrendered."

The news of the victory gained by his Majesty Charles Albert, and the surrender of Peschiera, caused the greatest joy throughout this city. Salutes in consequence of these events were fired in different parts of the bastions. In the afternoon the national guard, the Regiment of Students, and the regiment called Della Speranza (composed of youths from 12 to 16 years of age), defiled under the balcony of the Marino Palace, in the presence of the Provisional Government, and were repeatedly addressed by the President. During the night the town was illuminated.

This morning a "Te Deum" was chanted in the Cathedral, at which the Provisional Government, the national guard, and deputations from different institutions were present.

This morning the following bulletin was published towards noon, though dated 31st of May :

" On the 29th instant a numerous body of Austrian troops made a sudden sortie from Mantua, attacking the extreme right of our army between Le Evazie and Curtatone, which were occupied by the Tuscans. The brave Tuscans, although much inferior in number, gallantly resisted the first onset of the enemy. The University battalion fought heroically ; but their valour was obliged to succumb to overpowering numbers. The Tuscans retired beyond the Mincio, losing about 180 killed and 300 wounded on the field of battle.

" On the same day (29th), the enemy, rushing against the left wing of the army, attacked our troops on the plain of Rivoli, in the belief by such endeavour to succour Peschiera, already reduced to the greatest straits. But the Piedmontese Brigade sustained the shock with undaunted firmness, and made the enemy repent of his presumption, who was driven back with great slaughter.

" In the meanwhile, towards Goito, General Bava, commanding the right wing, had reunited the flower of his troops. On the morning of the 30th, His Majesty Charles Albert proceeded from his head-quarters, at Valleggio, to the camp, seeing the hour of a great battle was come ; for if the Austrians succeeded in crossing the Oglio and throwing themselves into the Cremonese, the whole of Lower Lombardy and Milan itself would have been threatened. The Austrians amounted to 30,000 men, with 130 pieces of cannon.

" Our troops amounted to not more than 20,000 men, with 46 pieces of artillery. The battle was tremendous. The fire of the artillery lasted continually for seven hours on both sides. His Majesty Charles Albert and the Duke of Savoy both issued their orders amidst the cannon and grape-shot of the enemy, animating the soldiers by their example.

" At the approach of night the enemy was driven back along the whole line.

" In the same moment of the victory, the news arrived that the fortress of Peschiera had capitulated, and the King ratified the honourable conditions which the Duke of Genoa had stipulated for its surrender.

" Two regiments of cavalry continued to follow up the enemy, when the King, about midnight, returned to his head-quarters. Valleggio, on the re-entry of the King, was illuminated to celebrate a victory which will perhaps decide the fate of Italy."

I beg leave to correct an error in my despatch of the 31st ultimo. It was not the Duke of Genoa, but the Duke of Savoy, who has been wounded.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 441.—*Mr. Magenis to Viscount Palmerston.*—(Received June 7.)

MY LORD,

Vienna, June 1, 1848.

I INCLOSE herewith the copy of a despatch, with its inclosures, which has been received here to-day from Her Majesty's Vice-Consul at Trieste, announcing the re-appearance off that port on the 27th ultimo, of the "combined squadrons."

Although Mr. Raven does not state so, I have reason to believe that by the expression "combined" he means the Sardinian and Venetian squadrons alone, and that the Neapolitan ships which formed part of the blockading force had not returned; it is reported that they have gone back to Naples upon learning what had occurred there on the 15th ultimo.

I have, &c.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

(Inclosure 1.)—*Vice-Consul Raven to Viscount Ponsonby.*

MY LORD,

Trieste, May 29, 1848.

I HAVE the honour to inform your Excellency that the combined squadrons re-appeared off this port on the 27th instant, and sent into this port a steamer, with a flag of truce, bearing the answer to the protest marked No. 6, of my last communication, which answer I now forward, marked No. 9. The same opportunity brought a despatch addressed to the Governor here, contained in the printed paper marked No. 8. I also forward the copy of protest made by the French Consul, marked No. 7; the answer has been received, but I have not yet obtained a copy. The Consuls of the various foreign Powers have prepared a reply to the answer received, and I have also prepared a protest in conformity with your Excellency's instructions, which will be delivered I believe to-morrow, as a steamer will be despatched to convey those and the Governor's answer, as well as to make an application from Lloyd's Austrian Steam Company for permission to keep open the route to Corfu, Greece, Constantinople, and Alexandria.

Yesterday arrived an American schooner of war. The *Terrible* and *Spartan* are in port; also the French steamer *Asmodée*. Without further to communicate,

I have, &c.

Viscount Ponsonby.

HENRY RAVEN.

(Inclosure 2.)—Protest of the French Consul in Trieste.

M. L'AMIRAL,

Trieste, le 24 Mai, 1848.

AYANT eu connaissance de la déclaration que vous avez faite au commandant de la frégate Britannique *Le Terrible*.

Considérant qu'il résulte de cette communication une éventualité possible d'agression contre la ville de Trieste ;

Considérant que s'il est du droit évident du Gouvernement Sarde d'agir comme il l'entendra contre un port transformé par l'Autriche en place de guerre, ce droit ne saurait porter atteinte à ceux des Puissances amies ou alliées des Etats Italiens que vous représentez ;

Attendu qu'une agression inattendue compromettrait à coup sûr les intérêts que le Soussigné défend ;

Attendu que tout dommage ou préjudice des Français établis ou de passage à Trieste doit être réparé ;

Le Soussigné afin de rendre efficaces ses intentions et désirs en faveur de ses concitoyens, entend protester, comme de fait il proteste par la présente note, contre toute attaque non préalablement annoncée de la part de l'escadre que vous commandez.

Il demande qu'un délai de 48 heures au moins soit accordé dans le cas d'agression, à partir du moment où le projet de sévir lui aura été communiqué officiellement, délai dont il ne manquera pas d'user en faveur de ses nationaux.

Il déclare en outre mettre sous la responsabilité de votre Gouvernement, M. l'Amiral, toute atteinte aux intérêts quels qu'ils soient des citoyens Français.

Espérant que le but de la présence de votre escadre ici n'est qu'un but pacifique en ce qui touche la cité, et tout en exprimant le vif désir de ne voir dans l'attitude de votre flotte qu'une attitude calme et rassurante, le Soussigné a l'honneur d'être, &c.

FREDERICK TERME.

(Inclosure 3.)—Rear-Admiral Albini to the Governor of Trieste.

(Translation.)

EXCELLENCY,

Trieste Roads, May 27, 1848.

THE writer has been informed by the Venetian Rear-Admiral Signor Georgia Bua, that various merchant-vessels are under sequester in the port of Trieste, which, being bound for Venice, were compelled by the Austrian ships of war to proceed to Trieste. This violation of commercial rights committed by the Austrian squadron,—which affects not only the interests of the subjects of Powers now belligerent, but likewise those of neutrals, and from which the squadron of His Majesty the King of Sardinia, as also that united to it, have always abstained, the latter, on the contrary, acting with the greatest moderation and consideration in respect to the mercantile marine,

not excluding that belonging to Austria, although bound for ports under her rule,—cannot be endured; and therefore the writer in the meantime requests your Excellency to arrange that the aforesaid vessels (a part of which are specified in the note hereunto annexed) may, without delay, be allowed to proceed to their original destination; the said arrangement not, however, debarring the parties interested in those vessels from the right of requiring from that Government indemnification for the loss occasioned to them by the aforesaid violation.

The Undersigned requests your Excellency to be pleased to honour him, in the shortest time possible, with a distinct reply on this matter for his corresponding direction, and in the meanwhile he has the honour, &c.

The Governor of Trieste.

ALBINI.

(*Inclosure 4.*)—*Reply of Admiral Albini to the Protest of the Consular (Translation.)* *Body in Trieste.*

MOST ILLUSTRIOUS SIR,

Trieste Roads, May 27, 1848.

I HAVE the honour to acknowledge to you the receipt of the note which, signed by the different Consuls of the foreign Powers residing in Trieste, you delivered to me on the 24th instant on board the royal frigate *Saint Michele*, over which floats the ensign of my command.

In reply to the same, I do myself the honour to communicate to you that the naval forces of His Majesty the King of Sardinia, as well as those joined to them, while they will respect the law of nations in all its parts, are, however, resolved to renounce none of those rights conferred upon them by the belligerent character in which they are placed in regard to Austria, which has converted the city and port of Trieste into a place of war.

In giving you to understand this, I must further point out to you that a part of Mr. Lloyd's steamers having been armed by the Austrian Government, they will accordingly henceforth be considered as ships of war of the enemy.

I request you to have the goodness to communicate my present note to the Consuls who honoured with their signatures the above-mentioned note, and be pleased at the same time, &c.

ALBINI.

No. 442.—Count Lobzeltern to Count Dietrichstein —(Communicated to Viscount Palmerston by Count Dietrichstein, June 8.)

M. LE COMTE,

Vienne, le 20, Mai, 1848.

PAR une dépêche du 22 Avril dernier, M. le Comte Ficquelmont a fait connaître à votre Excellence les ouvertures que nous avait fait faire le Cabinet de Turin à l'égard de son intention de maintenir

avec nous la paix maritime, tout en continuant les hostilités sur la terre ferme.

Vous avez également été prévenu, M. le Comte, qu'envisageant le parti pris par le Gouvernement Piémontais comme le premier pas dans une meilleure direction, nous nous étions empressés d'adhérer à sa proposition et de lui faire parvenir l'assurance que nous userions d'une parfaite réciprocité envers la marine Sarde.

A notre grande surprise, nous reçûmes peu de tems après du Chargé d'Affaires de l'Empereur à Munic, un rapport que j'ai l'honneur de transmettre ci-près en extrait à votre Excellence.

La première déclaration de la Cour de Turin nous avait semblé trahir un sentiment d'humanité et une pensée de conciliation. Nous ne pouvions dès lors point hésiter à l'accueillir avec faveur et dans un esprit analogue à celui qui, nous l'espérons, l'avait dictée. Les explications que le Marquis Pallavicini reçut plus tard l'ordre d'ajouter aux premières ouvertures qui nous étaient parvenues par son intermédiaire, étaient de nature à nous inspirer des doutes fort graves sur les véritables intentions de la Cour de Turin et sur la valeur qu'il nous était permis d'attacher à ses premières déclarations, dont votre Excellence a été chargé de faire part à Lord Palmerston. Comment concilier, en effet, la teneur des instructions données à l'escadre Sarde envoyée dans l'Adriatique, avec les assurances antérieures du Gouvernement Sarde de vouloir maintenir avec nous la paix maritime ?

Dans le discours d'ouverture prononcé le 8 Mai par le Prince Eugène de Savoie, Lieutenant du Roi, dans la première séance du Parlement Piémontais, nous avons remarqué le passage suivant :

“ Notre escadre a appareillé de Gênes. J'ai la ferme confiance que lorsqu'elle rencontrera l'ennemi, elle se montrera digne de notre glorieux Roi et de notre armée glorieuse.”

Ce langage, nous ne pouvons nous le dissimuler, n'indique que trop clairement que le Cabinet de Turin ne compte point rester fidèle à ses premières inspirations. Nous devons dès lors nous attendre à de nouveaux conflits nullement favorables aux chances de paix que nous appelons de tous nos vœux. Nous le regrettons sincèrement dans un moment surtout où nous venons de faire un appel au concours amical de la Grande Bretagne dans le but de rendre la paix à l'Italie.

Je prie votre Excellence de donner communication de cette dépêche et de son annexe à M. le Principal Secrétaire d'Etat de Sa Majesté Britannique.

Recevez, &c.

M. le Comte Dietrichstein.

LEBZELTERN.

(*Inclosure.*)—*Report of the Baron de Brenner.*

(*Extrait.*)

Munic, le 26 Avril, 1848.

M'ETANT rendu cet après-dîner à une nouvelle entrevue que m'avait demandée M. le Marquis de Pallavicini, celui-ci me donna lecture à cette occasion d'une dépêche qu'il venait de recevoir de sa Cour en date de Turin le 18 Avril, dont voici la substance.

Cette dépêche commence par reproduire les motifs d'humanité et de nationalité qui avait déterminé Sa Majesté Sarde à prendre les dispositions relatives aux rapports maritimes entre l'Autriche et la Sardaigne, telles qu'elles se trouvaient énoncées dans la circulaire annexée à mon rapport du 5 Avril. Elle passe ensuite à blâmer le Marquis Pallavicini d'avoir mal compris les intentions de son Cabinet.

"En faisant parvenir," continue la dépêche, si ma mémoire est fidèle, "la circulaire susdite à la connaissance du Gouvernement Impérial, nous voulions seulement constater un fait, mais nous n'entendions nullement provoquer des dispositions analogues de la part de l'Autriche. L'extrait de dépêche que vous a remis M. de Brenner comme une réponse à votre communication, ferait croire que nous ayions pris un engagement et sollicité de l'Autriche de s'y associer.

"Notre but était uniquement de diminuer autant qu'il est en notre pouvoir, les maux que pourrait amener la guerre, et d'en éloigner tout ce qui tendrait à lui ôter son caractère d'humanité et de générosité. Nous aimons à croire que l'Autriche partageât ces sentiments. Mais si nous avons ordonné à nos bâtiments de guerre de s'abstenir de tout acte d'hostilité contre la marine Autrichienne, à moins d'y être provoqués, nous entendions nous réserver une entière liberté d'action pour le cas où une telle provocation dût avoir lieu. Nous voulons donc qu'on sâche dans ce moment où notre flotte a reçu l'ordre de se rendre dans la Mer Adriatique que si, par exemple, l'Autriche jugeait à propos d'employer des moyens agressifs contre les populations Italiennes du Littoral, nos forces maritimes seront tenues de procéder à des voies d'hostilités contre la marine militaire Autrichienne et les bâtiments qu'elles y rencontreront.

"Il nous importe de vous faire connaître nos vues à cet égard, pour qu'on ne puisse pas nous reprocher plus tard d'avoir violé un engagement que nous n'avions jamais eu l'intention de prendre."

No. 444.—Mr. Magenis to Viscount Palmerston.—(Received June 9.)
(*Extract.*) *Vienna, June 3, 1848.*

THE accompanying report from the Military Governor at Trieste, Count Giulay, which I have the honour to transmit, in original and translation, appears to me to be of importance, as showing the inten-

tion of the French Government to observe, for the present at least, a strict neutrality in the contest going on in Italy.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

(*Inclosure.*)—*Report of the Military Governor of Trieste respecting Salute from French steamer Asmodée.*

THE following extract from a report dated May 29th, of Count Giulai, Military Governor of Trieste, to the Minister of War, is made known to the public.

On the arrival of the French steamer *Asmodée*, on the afternoon of the 25th instant, the captain signified his intention of saluting the place. The officer sent by Captain Kudriaffsky on board the *Asmodée*, and who was received with the greatest politeness, stated that, under existing circumstances, salutes might cause some anxiety to the people, and that it would therefore be desirable to dispense with them. Upon this the French captain declared that he had positive orders from his Government to observe the strictest neutrality towards Austria and Italy, and he considered it the more necessary on that account that this should be shown by the intended salute.

I therefore acceded to his wish on the following day, in order that information might in the meantime be given at the different positions of the intended firing, and gave orders that the French salute should be returned from the castle; and the salute and its acknowledgement was in consequence fired as above ordered.

No. 445.—Mr. Magenis to Viscount Palmerston.—(Received June 10.)

MY LORD,

Vienna, June 4, 1848.

I HAVE the honour to transmit herewith a copy of a despatch and its inclosures, which has been received here to-day from Her Majesty's Vice-Consul at Trieste.

Your Lordship will learn from it that the Sardinian Admiral has promised not to molest or capture the steam-boats of the Austrian Lloyd's carrying the mails to the East, provided they are not armed or do not convey troops or military stores.

I have, &c.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

(*Inclosure 1.*)—*Vice-Consul Raven to Viscount Ponsonby.*

MY LORD,

Trieste, June 1, 1848.

THE Sardinian squadron yesterday again approaching this port, it was deemed advisable for several reasons to communicate with the same. Captain Ramsay, senior officer, ordered Her Majesty's ship *Locust* (which arrived here on the afternoon of the 30th instant from Civita Vecchia, with an Austrian Ambassador and his family

from the Court of Rome) to proceed to the squadron about 12 miles distant from this port; the squadron was in sight of the port yesterday afternoon, approaching nearer, and is now at a very short distance.

The Governor sent despatches to the Admiral, see printed paper marked No. 10. A deputation from the foreign Consuls presented the reply to the Admiral's answer, marked No. 11. An application was forwarded me, marked No. 12, and presented to Captain Ramsay. The great inconvenience and interruption arising to commerce from the stoppage of the communication by Austrian Lloyd's Steam Company's vessels, have induced the foreign Consuls to request the Sardinian squadron to allow without molestation or fear of capture those vessels of the following routes to continue to ply; from here to Alexandria direct, from here to the Greek Islands, from here to the coast of Dalmatia, also the line from here to Corfu, Smyrna, and Constantinople.

The Admiral has promised not to molest or capture the same, providing they only carry mercantile letters, passengers, and merchandize; prohibiting their being armed, or conveying troops or munitions of war, and the Admiral requires a declaration or certificate from myself, the Turkish, and Greek Consuls giving an assurance that they are not armed nor are there any troops or munitions of war on board. And he will also order the Sardinian Consuls at the different ports to give them a pass to return.

He has further agreed to the return to this port without molestation of the 3 Austrian Lloyd's Steam Company's packet steamers which have put into the port of Pola coming from Alexandria, Corfu, and the Greek Islands.

I have just received the letter, marked No. 13, which is the first communication in regard to the re-opening of the several routes.

I have, &c.

Viscount Ponsonby.

HENRY RAVEN.

(Inclosure 2.)—*Vice-Consul Raven to the Admiral in command of the Sardinian and Neapolitan Fleet off Trieste.*

SIR,

Trieste, May 27, 1848.

IN consequence of the reappearance and position taken up by the squadron under your command, I am apprehensive that the intentions of the said squadron are hostile to this port and city, therefore I feel it my duty to advise you that I have received instructions from his Excellency Viscount Ponsonby, G.C.B., Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of Vienna, that in the event of any attack being about to be made by the Neapolitan squadron alone, or in conjunction with a Sardinian squadron, or any other squadron or squadrons, to take the most

effectual measures for making known to the commander or commanders of the above-mentioned squadron or squadrons, that there is an immense amount of British property in the port, harbour, lazaret, stores, magazines, and dwellings of this port and city, exposed to danger of destruction by an attack, and that if the attack by the squadron or squadrons should take place, and property of British subjects be thereby destroyed, Great Britain will demand full indemnity for the losses sustained by her subjects, which losses will probably be of vast amount.

I therefore forewarn you of the consequences which may take place if an attack be made, and solemnly protest against any measures being adopted by you, whereby the lives or property of any British subjects either in the port, harbour, city, or elsewhere, may be destroyed or endangered.

And if in any way injured, the most full and entire restitution and indemnification will be demanded by Great Britain from each and every such Power, Kingdom, or State which may be instrumental in such destruction.

I further beg to state that my previous communication was antecedent to the instructions received from Her Britannic Majesty's Ambassador. With every assurance and consideration.

I have, &c.

HENRY RAVEN.

(Inclosure 3.)—*The Consular Body at Trieste to Rear-Admiral Albini.*

LA missive que votre Excellence a adressée en date du 27 de ce mois à M. le Consul des Etats Unis d'Amérique a été communiquée par lui aux Soussignés, conformément à votre désir.

Cette dépêche leur donne motif à confirmer leurs protêts du 24 de ce mois en toute leur extension.

Les Consuls des Etats qui forment partie de la Confédération Germanique en leur spécialité, confirment à votre Excellence qu'une agression quelconque contre le port de la ville de Trieste serait une agression contre toute la Confédération Germanique. Votre Excellence nous donne l'occasion, par ce qu'elle dit au sujet du Lloyd Autrichien, à émettre l'opinion qu'à l'exception de 3 navires que le Gouvernement de Sa Majesté l'Empereur a exigé pour son service, les vapeurs de cet établissement ne peuvent être regardés comme bâtiments de guerre, et que tous les Gouvernements sont vivement intéressés à ce que le service de poste et de transport de passagers de ses pyroscaphes pour la Grèce, la Turquie, et les Indes, ne souffrent aucune interruption.

Nous réitérons, &c.

[Here follow 22 signatures.]

(*Inclosure 4.*)—*Application to Vice-Consul Raven.*

DEAR SIR,

Trieste, May 30, 1848.

As it is of the utmost consequence to nearly all the States of Europe, but principally to Turkey, Greece, the Ionian Islands, England, and the whole of Germany, that the steam navigation of the Austrian Lloyd's, which has been interrupted in consequence of the united Italian fleet having appeared with hostile intentions in the Adriatic, should be re-established, we the Undersigned Consuls beg you to inform us if the commander of the English fleet in our harbour would have perhaps the utmost kindness to send one of Her Britannic Majesty's vessels to the Sardinian Admiral, for the purpose of conveying a despatch or one of the directors of the Austrian Lloyd's Steam Navigation Company, to communicate with Rear-Admiral Albini on the subject, as we have no other means of doing it, and as by this you would certainly do one of the greatest services to Trieste and to the several Governments which we represent in this place.

We have, &c.

G. MANZURANI.
S. DE CAZZAITI.
H. LUTTEROLT.
ELIO MORPURGO.
A. BOCKMAN.
S. DE PARENTE.
G. GWINNER.

(*Inclosure 5.*)—*Rear-Admiral Albini to Vice-Consul Raven.*

(Translation.)

MOST ILLUSTRIOUS CONSUL,

Under sail, May 31, 1848.

IN compliance with the request which you have addressed to me, I do myself the honour to inform you, that being desirous, as far as I can, of causing no impediment to commerce, I will allow the Lloyd's steamers to pass to and fro between Trieste and Corfu, provided that the commanders thereof are furnished for each voyage either way with a certificate of Her Britannic Majesty's Consulate in Trieste and of the local authority in that port, stating the day of their departure, and that they only have on board mercantile correspondence, merchandize, and passengers,—not arms, munitions of war, or troops of any kind.

In case the said steamers should be found by one of the vessels of the Italian squadron acting in contravention of the above-mentioned conditions, to allow the visit of which it shall be obligatory, I notify that in such case the same will be captured, and I should be obliged to suspend the present permission.

Be pleased, &c.

Vice-Consul Raven.

ALBINI.

No. 447.—*Vice-Consul Campbell to Visc'. Palmerston.*—(*Rec. June 10.*)
 MY LORD, *Milan, June 3, 1848.*

I HAVE the honour to transmit, for your Lordship's information, the translation of a bulletin of this day, containing the articles of the capitulation of Peschiera.

From my own private resources I learn that the Austrians occupy a line from Gazzoldo to Medola, near Castiglione della Stiviere. His Majesty the King of Sardinia does not follow their movements, but is concentrating his forces at Volta and Goito, with the intention of piercing their line and cutting off the retreat from Mantua. His Majesty has not less than 40,000 of his troops around him.

The town of Peschiera is a heap of ruins from the shells, but the fortifications are very little injured.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

(*Inclosure.*)—*Bulletin of the Day containing Articles of the Capitulation of Peschiera.*

(Translation.)

Milan, June 3, 1848.

We publish the capitulation of Peschiera.

HIS Royal Highness the Duke of Genoa entrusted by His Majesty the King with the siege of Peschiera, on one part, and Major d'Ettingshausen commanding the frontier regiment Ottocani, the latter fully empowered by his Excellency the Lieutenant-Marshal Baron Rath, commander of the fortress, on the other, have agreed on the following conditions for the surrender of the fortress.

I. This evening the troops of His Majesty the King shall occupy the fort Mandella.

II. The troops of His Majesty shall enter to-morrow, the 31st, at 7 o'clock, A.M., and occupy the bastions, the two forts Salvi, and the gates.

III. The troops of His Majesty the Emperor shall go out at 12 o'clock with the honours of war. The officers and non-commissioned officers shall keep their arms. With respect to the soldiers, after having defiled, their arms shall be packed up, and in such manner follow the garrison under an escort of Sardinian troops, to be restored on the arrival of the garrison in the States of His Majesty the Emperor of Austria.

IV. The infantry shall preserve their drums, the hussars their trumpets, with the permission to use them.

V. The hussars shall keep their horses till the place of embarkation, where they will be delivered to the person delegated by His Majesty the King to receive them.

VI. All the magazines, ammunitions of war, pieces of artillery,
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and all materials of war, shall to-morrow be given up to the officers delegated by His Royal Highness the Duke of Genoa.

VII. With respect to the route, the troops with their officers shall pass by Desenzano, Brescia, Cremona, Piacenza, Parma, Modena, Bologna, and Ancona, where they will be embarked for Croatia, and landed as soon as possible at Segna.

VIII. With respect to his Excellency and the other officers belonging to the troops, as well as the civil officers, they will take the road they may think most convenient.

IX. The troops all promise, on their word, not to serve during the present war, neither against the armies of His Majesty the King, nor against those of his Italian allies.

X. The Government of His Majesty the King undertakes to supply every necessary means of transport for the officers, the sick, and the baggage.

XI. During the march the officers shall be treated, with respect to lodging, the same as those of His Majesty; likewise the soldiers shall be put under cover and supplied with straw to sleep upon.

XII. The non-commissioned officers and soldiers shall receive, during the march, the rations and the treatment as the soldiers of His Majesty the King.

XIII. The officers shall be treated according to their respective ranks, the same as in the army of His Majesty the King in the field.

XIV. The commissary will make his arrangements with the commander of the troops and the escort with respect to their day's marches.

XV. His Royal Highness is, in justice, pleased to acknowledge the brave defence of the garrison of Peschiera.

Cavalcajelle, May 30, 1848.

DUKE OF GENOA.

D'ETTINGSHAUSEN.

No. 449.—Baron Hummelauer to Viscount Palmerston.

(*No date.*)

J'ai reçu la note du 3 du courant par laquelle vous avez bien voulu me faire part de la détermination du Gouvernement Britannique de se rendre au vœu exprimé par le Gouvernement Impérial par rapport à une intervention amicale dans la complication qui désole le nord de l'Italie.

Je suis sur le point de partir pour soumettre moi-même cette communication à Sa Majesté l'Empereur à Inspruck, qui, je prie votre Excellence de vouloir bien en être persuadée, appréciera la preuve d'amitié qu'elle renferme.

Comme l'intérêt le plus urgent c'est celui de faire cesser l'effusion du sang, peut-être jugeriez-vous convenable, Milord, d'accorder à Lord Ponsonby une facilité éventuelle, en cas où le Gouvernement

Impérial accepte les bases proposées, de faire telles démarches qui seraient propres pour amener un armistice ?

Veillez, &c.

S.E. le Vicomte Palmerston, G.C.B.

HUMMELAUER.

No. 450.—Mr. Peel to Viscount Palmerston.—(Received June 12.)

(Extract.)

Berne, June 7, 1848.

THE Vorort yesterday nominated 2 Commissioners who, in conformity with the decision recently taken by the Diet, are to proceed immediately to Naples, and institute inquiries as to the part taken by the Swiss regiments in the service of the King of Naples in the disturbances of the 15th of May last.

The Commissioners are, M. Frascini, Member of the Government of Tessin, and M. Collin, Comptroller of Finance.

Viscount Palmerston, G.C.B.

R. PEEL.

No. 451.—Consul-Genl. Dawkins to Visc^t. Palmerston.—(Rec. June 12.)

(Extract.)

Venice, June 4, 1848.

I TRANSMIT to your Lordship herewith a copy and translation of a letter dated 31st ultimo, addressed to the Provisional Government of the Venetian Republic by the deputies of the departmental committees of Padua, Vicenza, Rovigo, and Treviso, in which, after stating their entire concurrence in the reasons which induced the Provisional Government of Lombardy to hasten the declaration of the Lombard Provinces for their immediate fusion with Piedmont, they add that the provinces they represent had thought fit to adopt a similar course by opening registers for the inscription of votes, and they call upon the Provisional Government of Venice to follow this example without delay, threatening in case of non-compliance, to separate themselves completely from Venice, and to establish "a new centre of Government in the Venetian Provinces on the mainland." The Deputies require an answer to this summons within 3 days, at the expiration of which the representatives to be chosen by the committees of their 4 provinces will depart for Milan.

To this address the Provisional Government of Venice has replied in the letter, dated the 2nd instant, of which I likewise transmit a copy and translation, stating that it has decided upon appealing to the sense of the people through an assembly of representatives to be convoked on the 18th instant, and that in the meantime the Envoy of Venice to the Provisional Government of Lombardy will be instructed to represent the interests of Venice as occasion may require, in the deliberations about to be carried on.

2 decrees have been issued subsequently by the Provisional Government here, bearing date the 3rd instant, the one announcing the convocation of the Assembly for the purpose of deliberating,

a. Whether the question relative to the political condition of the country shall be decided now, or at the conclusion of the war?

b. Whether in the event of an immediate decision being agreed upon, it will be expedient to form an independent State, or to unite with Piedmont?

c. Whether the members of the existing Provisional Government shall be changed or confirmed?

The other decree provides for the electoral qualifications, according to which all persons who have attained the age of 21 years have the right of voting, and all those who have attained the age of 25 are eligible as deputies. Electors can exercise the right of voting only in the parishes in which they reside, and the deputies are to be chosen in the different parishes in the proportion of 1 deputy for every 2,000 inhabitants.

There is no doubt that the majority of the inhabitants of Venice, comprising by far the greatest part of the upper and middle classes, and the whole of the marine, a very influential body, are in favour of a junction with Piedmont, rather than a continuation of a Republican Government, even supposing the Venetian Republic could exist, confined as it would be to Venice and the islands of the Lagunes by the separation from it of the provinces on the mainland. Indeed, of the members of the existing Provisional Government, it is understood that the President, Signor Manin, is the only one who is desirous that the Republic, reduced to the dimensions above mentioned, should be carried on.

The capitulation of Peschiera and the successes of the King of Piedmont as reported here, will doubtless contribute very much to the power of his adherents in Venice, who appear very sanguine of the success of their cause.

Recent accounts from Vienna seem to render it more than doubtful whether Austria can continue to carry on war in the Lombardo-Venetian provinces, but in the meantime Marshal Radetzky has still a large force at his disposal, and we hear of the uninterrupted advance of troops through the Friuli, and their concentration in force on the Piave.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure 1.)—The Deputies of the Committees of Padua, Vicenza, Rovigo, and Treviso, to the Provisional Government of Venice.—May 31, 1848.

(Translation.)

To the Provisional Government of the Venetian Republic.

THE independence of Italy would be no more than a vain idea, if that union, whence national dignity and strength are derived, were not to be realized. The necessity of this union is equally felt by all, and the endeavours of all the States of the Peninsula tend to the accomplishment of it.

When you thought fit to declare, in the most unqualified manner, the indivisibility of Venice from Lombardy, to the end that the political destinies of the former should be those of the latter, we rejoiced to recognise in so auspicious a declaration, the sanction of the principle, that the one sole Assembly was to be the only means of determining the future political existence ; all, however, in relation to the acknowledged interests of the majority.

In the calm state of public opinion, the Government of Milan, as well as the committee of the Venetian Provinces, would have left it to the Constituent Assembly called together after the triumph of the cause, to decide upon the political condition of the Lombardo-Venetian Kingdom.

But the efficacious aid which His Majesty King Charles Albert brought to the cause of the national independence, and the glory of the Piedmontese arms, excited throughout the greater part of the country the warmest desire to pronounce for the immediate union with the Sardinian States.

Influenced by this, and by other powerful motives of war, finance, and diplomacy, the Central Government of the provinces of Lombardy found it necessary to afford their fellow-citizens the opportunity of legally registering their suffrages even before the convocation of the Constituent Assembly, and provided for this by their decree of the 12th of May.

The motives which induced the adoption of this measure were common to, if not more imperative on, the Venetian Provinces, as the latter have been made in a more especial manner the principal point of invasion by the enemy, and are worse provided with the means of making a vigorous resistance.

Hence the same excitement among the population of the mainland, and the same necessity for the committees (in the silence of the Venetian Government), to open, in their respective provinces, the same way for their fellow-citizens to express their wishes without delay, as that established by Lombardy.

The period fixed for signing the registers opened for the purpose mentioned having expired on the 29th instant, the committees after a scrutiny of the signatures are to publish the result, which cannot but be in conformity with the general desire, which, in fact, was the original motive for the measure.

It is therefore a subject of deep affliction to the committees, to think that the proposed scrutiny, which would induce the immediate fusion of these provinces with Piedmont, may possibly separate them from Venice, to whom they are attached by so many bonds of common interest, grateful affection, and glorious reminiscences.

Such a separation, though it is to be hoped that it would only be temporary, would occasion the inevitable consequence of the imme-

diate institution of a new centre of Government in the Venetian Provinces of the mainland. Nor would this take place without prejudice to the common cause, as well in a material as in a political point of view. And the other Powers of Europe would find in this proceeding, fresh cause to reproach us with incapacity to regenerate Italy, which will never be great until regenerated by union.

And if the foreseen want of union would redound to the disgrace of Venice on the one hand, on the other it would be injurious to the provinces of the mainland, which, together with Lombardy, uniting their destinies to the destinies of Piedmont, would leave behind that precious gem, that beloved sister, who, in the new political combination should re-assert her boast of being the Queen of the Adriatic.

A vast State comprehending the Sardinian States, the ex-Duchies of Parma and Modena, and all the Lombard and Venetian Provinces, would be in a condition, from its own resources, to preserve the Peninsula from foreign invasion, and raise it to an eminence of power so as to influence honourably the political balance of Europe.

And yet Venice would form no part of this State, if the Government which at present rules her persists in the idea of maintaining its Republican form, unsupported by the desire of the nation, unfavoured by political considerations, and repugnant to the cause and to the intentions of the Prince who is assisting us to rid the country of the stranger.

In the ardent desire to prevent the grief and prejudice we should mutually suffer if Venice were not to participate with us the destinies of the new State, the committees of Padua, Vicenza, Treviso, and Rovigo, through the undersigned, their delegates, demand and entreat this Government to take into mature consideration the actual condition of the provinces, and to proceed to that fusion in which we see our safety and glory.

Already 2 of these provinces engaged with the enemy have given proofs that our ancient valour is not extinguished in our breasts. Already do the sister provinces long for the moment to emulate their example. And it is because we feel ourselves strong in courage, that we consider ourselves worthy to ally ourselves in one family to the valiant Piedmontese. But oh ! let not Venice, who on the 22nd of March gave the signal of the grand redemption, oh ! let her not be absent from the family banquet.

In case the system of registration adopted in Lombardy and followed by the committees of Padua, Vicenza, Treviso, and Rovigo, should seem, in your particular case, ill calculated to ascertain the public opinion with that promptitude which the pressure of the time demands, adopt whatever other method you deem better calculated to arrive at that end.

The urgency and the importance of the case are equal. A commission has been charged by the Government of Lombardy, with the duty of preliminary deliberation on the subject of providing the mode of transition between the vote and the Constituent Assembly, and of the organization of the Government during the state of transition. The committees of Padua, Vicenza, Treviso, and Rovigo, were invited by the said Government, by their decree of the 25th of May, No. 784, to take part in these deliberations, and the expediency of the Venetians having some one in the commission of Lombardy to be the interpreter of the special conditions of their provinces, was pointed out. The committees have therefore decided on sending each one member to Milan, in order to take part in these deliberations, and represent the interests of his respective province.

It would be lamentable were Venice alone to have no voice in this commission. The power of benefitting the common weal by the aid of their experience and talents in the ranks of the Ministry about to be formed, would possibly thereby be taken from the men who have deserved so well of the Venetian Government. And be it said that Venice ought to send a representative without delay, even during the interval that will elapse while she is taking measures to collect the votes of the people upon the proposed fusion with Piedmont. Not to do so, would show a tendency to disunion, and, abandoned, without protection, her particular interests would be liable to suffer, even though she might afterwards decide upon the union.

Under the present urgent circumstances, the delegates will wait till Saturday the 3rd of June next, for the declaration, which they hope for, of the adhesion of the Government to the fusion desired by the 4 sister provinces. A longer delay would subject them to too serious responsibility, to avoid which, the members who shall have been elected by the committees will on the 4th proceed direct to Milan.

Doubtless, there is not a citizen who would hesitate to make every sacrifice in order to ensure the glory and independence of Italy. Wherefore, the provinces represented by us, entertain the firm hope that Venice and her rulers will know how to sacrifice private opinion to that of the great majority of the citizens of the mainland; they will know how to sacrifice it, in order that the triumph of Italian nationality may be more secure, more precious, and more splendid.

From the residence of the committee of Padua, where the undersigned have deposited their credentials, 31st May, 1848.

C. LEONI.

SEB. TECHIO.

LUIGI PERAZZOLO.

ALESSANDRO CERVESATO.

(Inclosure 2.)—*The Provisional Government of Venice to the Deputies from Padua, &c.* June 2, 1848.

The Provisional Government of the Venetian Republic to the Citizens
C. Leoni, Sebastiano Tecchio, Luigi Perazzolo, Alessandro Cervesato.

(Translation.) Venice, June 2, 1848.

ABSTAINING for the moment from all consideration of the motives which occasioned your letter of the 31st May, and of the actual condition of the Venetian Provinces during the continuance of which you have written it, we limit ourselves to a declaration to you, that we have decided upon appealing to the opinion of the people by the means of an Assembly of Representatives which we are about to convoke for the 18th instant; and in the meantime we write to citizen Calucci, our Envoy to the Central Provisional Government of Lombardy, in order that in the deliberations to which you allude in your said letter, he may represent our interests as occasion may require.

MANIN, *President.*
TOMMASEO.

ZENNARI, *Secretary.*

No. 452.—*Mr. Magenis to Viscount Palmerston.*—(Received June 12.)
MY LORD, Vienna, June 5, 1848.

WITH reference to my despatch of the 3rd instant, informing your Lordship of the advance of Marshal Radetzky on the night of the 27th ultimo in the direction of Mantua, I have now the honour to inclose in translation his report to the Minister of War, dated Mantua, May 30th, detailing the complete success of his movement.

The Marshal reached Mantua by a forced march on the evening of the 28th of May; crossed the Mincio, under the protection of that fortress, on the 29th, and carried the intrenched positions of the enemy at Curtatone and Montanara (on the right bank of the Mincio), making 2,000 prisoners, and taking 5 pieces of cannon.

The position of the Piedmontese army appears to be very critical, as Marshal Redetzky has thus turned their right wing, and it is at their rear on the right bank of the Mincio.

Nothing more is known of the fate of the fortress of Peschiera, but it is supposed that the Marshal, by this successful movement, will oblige the Piedmontese to raise the siege of that place.

I have, &c.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

(Inclosure.)—*Report of Marshal Radetzky of the passage of the Mincio.* Mantua, May 30, 1848.

THE Minister of War makes known to the public the following

report, which has just been received from Field Marshal Radetzky's head-quarters at Mantua (dated May 30).

"I had the honour to make known to the Minister of War, in my report of the 26th instant, my resolution to commence operations on the 27th or 28th instant.

"In conformity with that resolution, I began a hazardous, but nevertheless a completely successful flank movement, immediately in the front of the enemy, on the 27th instant in the evening. My gallant army marched the whole of that and of the next day, 28th, in 3 columns on Mantua, where, although much fatigued by the forced march, but notwithstanding that eager for action and in perfect order, they arrived on the evening of that day.

"At the same time I sent a brigade of the Division Lichnowsky, under the command of Colonel Baron Zobel, to the upper valley of the Adige, to make a false attack on the evening of the 28th and the morning of the 29th on the enemy's left flank towards Pastrengo, in order to deceive him, and to conceal the march of my army towards Mantua.

"I succeeded by this manœuvre in quickly concentrating my forces on the extreme right of the enemy, upon which I yesterday, the 29th instant, under the protection of the fortress of Mantua, which covered my rear, crossed the Mincio, and thus have turned and rendered harmless on the right and left banks of the Adige, from Lake Garda to Mantua, all the outworks and entrenchments of the enemy.

"But in order fully to be able to turn the flank of my adversary, and to debouch with the army on the plain, I was obliged to attack and take his fortified positions before Mantua and Curtatone.

"The army gloriously accomplished this difficult undertaking on the eve of the Saint's-day of our well-beloved Emperor. After 3 hours' hard fighting, the lines of Curtatone were taken;—about 2,000 men; among whom were a colonel and 66 officers, a whole Neapolitan battalion were taken prisoners, with 5 pieces of cannon, 4 powder waggons, and 1 standard.

"This, together with the assured possibility of being able to act with greater freedom in the plain, on the flank and rear of the enemy, were the fruits of this day.

"This action was fought by the 1st corps d'armée, with the divisions under the 2 Princes Charles and Felix Schwarzenberg of the first, and the brigade of Prince Frederick Liechtenstein of the 2nd corps d'armée, the whole under the command of Lieutenant-General Count Wratislaw. The further particulars will be given in a detailed despatch. I must, however, now mention General Count Wratislaw, the Princes Schwarzenberg, as well as the Generals Strassoldo, Wohlgemuth, Clam, and Liechtenstein, also Colonels

Benedek, Dod, and Reischach, the 3 last of whom, at the storming of the lines of Curtatone and the trenches at Montanara, most particularly distinguished themselves. It is still difficult to name the bravest of the brave, among all the leaders and subalterns. The zeal of all was only equalled by their self-devotion. On this account, the loss among the soldiers is less considerable than that of the officers, who were everywhere with heroic courage at the head of their troops. The total loss is between 200 and 300 killed and wounded, among whom are 40 officers. To-day, the 30th, I shall advance up the Mincio towards Goito and Ceresara, with the 1st and 2nd corps, and leave the reserve corps in the centre, to follow up the rear of both and defend itself."

In consequence of this bold and successful manœuvre, the most decisive results may be expected, as the Field-Marshal with his collected forces is now on the flank and rear of the enemy's entrenched position.

No. 453.—Mr. Magenis to Viscount Palmerston.—(Received June 13.)
(Extract.) *Vienna, June 7, 1848.*

THE Sardinian Admiral blockading the port of Trieste has allowed the steam-boats of the Austrian Company of Lloyd's to continue to ply to the various ports of the Levant.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

No. 454.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, June 13, 1848.

I HEREWITH transmit to you, for your information, copies of 2 despatches addressed by Baron Lebzeltern to Count Dietrichstein, and communicated by the latter to me; the one referring to an apparent intention of the Sardinian Government to act in opposition to their previous declaration with respect to maritime hostilities, the other directing Count Dietrichstein to ask for the assistance of Her Majesty's naval forces against an apprehended attack from the Neapolitan squadron.

In reply to the latter application, I have informed the Austrian Government that Her Majesty's Government, with every desire to evince on all possible occasions the friendly feelings of the British Government towards Austria, yet find it impossible to give orders to the British ships of war in the Adriatic to interfere in any way in the naval operations which may take place between the Austrian and the Neapolitan squadrons, beyond what may be necessary for affording proper and legitimate protection to the persons and property of British subjects.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 455.—Mr. Magenis to Viscount Palmerston.—(Received June 14.)
(Extract.) *Vienna, June 8, 1848.*

M. DE LA COUR, who was appointed Chargé d'Affaires here by the present French Government, upon the departure of Count de Flahault, left Vienna this morning for Innsbruck.

I inclose herewith, in translation, the last official accounts from Marshal Radetzky, dated Rivolta (between Mantua and Goito), the 1st instant, which detail the failure of the attack upon Goito.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

(Inclosure.)—*Extract from the "Vienna Gazette," of June 8, 1848.*
(Translation.)

WE learn from a despatch of Field-Marshal Radetzky, dated Rivolta, the 1st instant, which was received at the War Office this day (June 7th) by the common post, that he had attempted to carry the position of Goito, which is strongly fortified and defended with heavy artillery; the attempt was however unsuccessful, as the army was not sufficiently concentrated to make the necessary impression.

The Marshal having concentrated, on the 31st, the whole of his army round Goito, intended to renew the attempt, but a heavy rain set in at midday and continued through the whole night, which in those low grounds so interrupted the communication, that the battering train could not come up. The Field-Marshal was expecting impatiently the return of more favourable weather to reassume the offensive.

No. 456.—The Hon. R. Abercromby to Viscount Palmerston.
(Received June 14.)

MY LORD,

Turin, June 7, 1848.

IMMEDIATELY on receiving your Lordship's despatch of the 31st ultimo, I called upon the Marquis Pareto, in order to represent to him, according to your Lordship's instructions, the prejudicial effect that might result to British interests, should the officers commanding the Sardinian and Neapolitan naval squadron proceed to bombard the town of Trieste.

I am happy to be able in reply to inform your Lordship that I received from the Sardinian Minister for Foreign Affairs distinct assurances that no measure such as the bombardment of Trieste had been ordered by the Government of his Sardinian Majesty, nor would such an act of hostility be attempted by the officers commanding the Italian naval squadrons before the port of Trieste.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

*No. 457.—The Hon. R. Abercromby to Viscount Palmerston.
(Received June 14.)*

MY LORD,

Turin, June 9, 1848.

I HAVE the honour to transmit herewith to your Lordship the votes of the following places :

			Immediate Union.			Deferred.
Milan	..	..	.. 130,040	..	..	228
Brescia	..	..	.. 85,334	..	..	35
Pavia	..	..	.. 36,560	..	..	9

It is calculated that out of the whole population of each of the above-mentioned towns and districts, there were entitled to vote,

For Milan	..	..	..	..	132,882
„ Brescia	..	..	..	..	88,644
„ Pavia	..	..	..	..	38,173

The immediate union with Piedmont may therefore be said to have been almost unanimously voted.

There is little doubt that the votes throughout the rest of Lombardy and the continental districts of the Venetian territory will be nearly in the same proportion.

For the city of Venice the Provisional Government have called together a Representative Assembly for the 18th instant, to decide the question whether the political condition of the State is to be fixed immediately, or at the termination of the war.

The decision will probably be to follow the example of Lombardy and of the Venetian continental districts, for as the latter have already announced to the Venetian Government their determination to make common cause with the rest of Italy, it will be impossible for the city of Venice to attempt to continue as a separate and independent State.

A deputation composed of members of the Provisional Government at Milan is expected to arrive at Turin to-day or to-morrow, for the purpose of combining with the Sardinian Government measures for the administration of the newly-annexed provinces during the interval that must elapse between the moment of their union to Piedmont and the final organization of the new institutions which are to govern this kingdom under its new form.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

*No. 458.—The Hon. R. Abercromby to Viscount Palmerston.
(Received June 15.)*

MY LORD,

Turin, June 10, 1848.

COUNT DUBINI, Signor Strigelli, and Signor Lissoni, all members of the Provisional Government of Milan, have arrived at Turin, for

the purpose of settling with the Sardinian Government the measures requisite for carrying on the administration of the provinces of Lombardy until the future institutions of the whole country shall have been established on an uniform and permanent system.

A deputation, at the head of which is Count Casati, President of the Provisional Government of Milan, has proceeded to the headquarters of His Sardinian Majesty at Peschiera, for the purpose of laying before His Majesty the result of the votes of the population of Lombardy, for their immediate union with Piedmont and the States of His Majesty King Charles Albert.

The numbers are, for immediate union 561,000; for deferred union, 625.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 459.—Sir G. Hamilton to Viscount Palmerston.—(Rec. June 15.)
(Extract) *Florence, June 6, 1848.*

I HAVE received information this morning from Ancona, that the return of the Neapolitan troops from Ferrara has excited great indignation against them, and a deputation had left the town to forbid their passing through it. The whole country is represented as being in a ferment against them, and should they not keep together, they run a great risk of being massacred.

The mob at Ancona are impressed with the idea that England is aiding Austria, and that the English fleet in the Adriatic had saved the Austrian fleet from capture.

The Neapolitan Consul's arms had been pulled down and dragged about the town in the most ignominious manner, and the English Consul was not without alarm that a similar demonstration might be made against Her Majesty's arms.

The liberal press here at present is certainly not favourably disposed towards England, and a very violent article appeared in the "*Patria*" a few days ago relative to Lord Napier's conduct at Naples, insinuating that he was the chief supporter of the King in the late counter-revolution.

A riot has taken place at Leghorn, in which the mob vociferated "Viva Carlo Albert, King of Italy;" "Down with Leopold the Second!"

The mob was speedily dispersed by the interference of the national guard.

It is believed that the loss of the Tuscan army has been very considerable in the defeat which they have lately sustained from the Austrians.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

No. 460.—*Vice-Consul Campbell to Visc'. Palmerston.*—(Rec. June 16.)
 MY LORD, *Milan, June 9, 1848.*

I HAVE the honour to transmit for your Lordship's information, a translation of an address to the Lombards respecting the incorporation of Lombardy with Piedmont.

By this document, published to-day, your Lordship will perceive there are 561,002 votes for an immediate incorporation, and only 681 for its delay. In consequence of this majority, the union of these States has been decided on by the Provisional Government to take place at once, a special commission having already left this for Turin to carry it into effect.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

(*Inclosure.*)—*Proclamation of the Provisional Government of Lombardy.*
 (Translation.)

LOMBARDS!

Milan, June 8, 1848.

THE nation, in the full and free exercise of its sovereignty, has decided on its political condition.

To-day, at a solemn meeting, in the presence of the archbishop of this metropolis, of the chiefs of the highest rank in the magistracy, of the national guard, and of the army, the Provisional Government has published the result of the registers containing the signatures of the inhabitants in all the parishes of all those parts of Lombardy freed from the enemy, besides those of the citizens belonging to the regular troops and corps of volunteers in the Lombard and Venetian territory, agreeably to the system of voting promulgated in the law of 12th May, 1848.

This result has been embodied in a notarial act by the citizens Tomasso Grossi and Giuseppe Alberti, notaries in Milan; an act which will be preserved in the national archives of S. Fedele. The votes are as follows:

Votes.—561,002 signatures for the immediate incorporation.

„ 681 signatures for its delay.

The people of Lombardy have therefore sanctioned almost unanimously the following proposition:

“We, the undersigned, yielding to the paramount necessity, that the whole of Italy should be freed from the foreign yoke, and that the war of independence should be continued with every possible effort, as Lombards, in the name and for the interest of those provinces, and, as Italians, for the interest of the whole nation, do vote from this moment for the immediate incorporation of the Lombard Provinces with the Sardinian States, on the understanding that a common Constituent Assembly shall be convoked of the above-mentioned States, and of all the others as shall assent to be incorporated on the basis of universal suffrage; which Assembly shall

discuss and establish the basis and forms of a new Monarchical Constitution with the dynasty of Savoy."

Lombards! you have consummated an act of profound civil prudence; you have laid the foundation of that edifice which so many centuries have laboured in vain to erect, and which the present age shall see spring up on a solid basis to the eternal glory and safety of the whole nation. That judgment, that patriotism, which were your guides and support in bringing forward this great work will not diminish when you are bringing it to completion.

Now, while the Provisional Government (as laid down in the XIVth Article of the Law of 12th May) hastens to make public the vote of the nation, they announce that they will communicate it to the Government of His Sardinian Majesty, in order that, when agreed to by the King and the Chambers, it may be immediately carried into effect.

At the same time, the Provisional Government mindful of their own engagements, declare that they will actively occupy themselves in framing laws for the present administration of Lombardy, in concert with the Government of Sardinia, until the Constituent Assembly shall adopt such definite measures as may be deemed necessary. For this purpose a special commission will set off immediately for Turin.

They declare also that in the interval, till the meeting of the Constituent Assembly, the people of Lombardy shall preserve intact their franchises, viz.:

The Liberty of the Press;

The Right of Association;

The National Guard;

in the form and extent both "de jure et de facto;" and that the law on which the Constituent Assembly shall be convoked will be based on universal suffrage.

Lombards! after having gloriously gained independence and liberty, you have determined to consolidate them by a fraternal union with one of the great parts of the Italian family under the constitutional sceptre of a dynasty so well deserving of all Italy. And all Italy, from the Alps to the 2 seas, will applaud your wise resolution, and the brave army of the magnanimous King Charles Albert will exult in the certainty of being joined to you in an indissoluble bond, strengthened by mutual esteem and mutual affection.

No. 461.—Mr. Magenis to Viscount Palmerston.—(Received June 16.)

MY LORD,

Vienna, June 9, 1848.

ACCOUNTS which were received yesterday evening at the War Office from Marshal Radetzky, dated Rivolta, the 3rd instant, announce that having ascertained that the Piedmontese army

amounted to nearly 60,000 men, independently of the Crociati and Civic Guard, he had deemed it advisable to concentrate his army in the strong position between Rivolta and Goito, and there to await either the attack of the King of Sardinia, or, should a favourable opportunity offer, to resume the offensive.

The Piedmontese army holds Goito with a force of from 10,000 to 15,000 men, and has strong posts commanding the high road from Goito to Castiglione. The main body of the army occupies the position of Volta, behind that road, which is called in Marshal Radetzky's report "almost unattackable and commanding."

Marshal Radetzky also announces the surrender of Peschiera to the King of Sardinia on the 30th ultimo, after a siege which had lasted from the 26th April.

It appears from this report that Marshal Radetzky is in a much less favourable position than was supposed after his passage of the Mincio, and that the Sardinian army have their retreat open, if necessary, to Brescia. They are also most accurately informed by the peasantry, which is favourable to their cause, of every movement of the Austrian army; whilst the latter find great difficulty in obtaining any knowledge of the movements of their enemy, a difficulty which the nature of the country increases. I have thought it right to forward to your Lordship these accounts, although it is possible that Lord Ponsonby may have already made them known to you from Innspruck. I have, &c.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

No. 462.—Despatches received by Prince Castelcicala from his Government.—(Communicated to Viscount Palmerston by Prince Castelcicala, June 17.)

(Translation.)

Naples, May 25, 1848.

WE cannot remain indifferent to the statements of so many Italian journals, which generally are translated, exaggerated, and commented upon in foreign papers, which all, or almost all, seem to be disposed and ready to disfigure the facts which relate to us, and to assert the most extravagant falsehoods, and to get from them reasons to slander and abuse our Royal Government by all sorts of insult and vituperation. The King has faithfully performed everything he promised on the 29th January, and always in the mildest way, perhaps too mild for the results which were to follow. The noble and patriotic feelings expressed by His Majesty, in his proclamation of the 7th April, amply demonstrate his sentiments by the lively interest taken by him in the holy cause of Italian independence; nor was his Royal mind satisfied with expressing his feelings in words alone. These were followed by deeds not limited to the dispatch of a few soldiers, but to the successive and rapid sending

forth of several bodies of volunteers, of a land army of 12,000 to 14,000 men, and of a squadron of many steam and sailing ships of war.

And what effects have resulted from all this? Abroad, inexplicable hatred and aversion, and at home, plots, conspiracies, and unions to overturn the State and to substitute the Republic and Communism to the Constitution which was sworn to and received with joyful and enthusiastic acclamations. Yes, the Republic and Communism were not only the inclinations but the acts of that faction which desired at any cost to prevent the opening of the Parliament, which, cavilling on the form of oath to be taken by the Deputies, wished to reduce the Government to the impossibility of making further concessions, and which, surprised that everything was yielded by the King that could be granted, could find no other argument to annoy him than by exciting themselves to insult the Royal troops and to provoke them to battle. Those facts are known to all the inhabitants of this capital, and the guilty alone dare not state them to themselves such as they really happened, but disfiguring them according to their own fancy, they have published so many false tales throughout Italy, that the real facts are no longer recognizable.

But the Royal Government, strong in its sense of justice, soon and truly stated and established the facts as they took place, which unhappily demonstrated the perfidious intentions of wicked men to overthrow the Constitution, and to threaten not the kingdom only but the whole of Italy with the most frightful anarchy.

The unhappy result of what I have stated to you is that these plots and conspiracies have rendered it impossible for the Royal Government to concur, as it has hitherto done, in defence of the holy cause of Italian Independence, it being obliged, not less for its own defence than for that of all the Constitutional Governments of Italy, to recall the troops from Lombardy, and to combat the hydra of anarchy under the forms of the Republic and of Communism.

(Translation.)

Naples, May 25, 1848.

THE King's Government, anxious to reassure the minds of all persons to restore that calm and tranquillity within the kingdom which is disturbed unhappily by furious demagogues, and to contradict in foreign countries the calumnies which have been incessantly circulated against the King and the nation, notwithstanding the decrees, concessions, and sacrifices made by both, has thought fit to publish the proclamation and the 3 decrees hereunto annexed.

Subsequently to what I have written to you relative to the lamented occurrences of the 15th May, the Royal Government, with the view of remedying so far as it is in its power the disastrous acts alluded to and their fatal results, has thought it of the utmost

urgency to bring out this publication, in which the good faith of the King's sentiments is made manifest in the most noble way, as well as his firm resolution to carry into effect and to maintain the Constitution, and to call the Legislative Chambers together again with all due haste, appointing the 1st day of July next for the opening of the Parliament.

I request you will give to this printed paper all the publicity and employ all the means which are in your power to give the lie to the false clamours and untruths of the newspapers, and to the sophistry and machinations by which the reputation of the King and of the Royal Government is shamefully defamed.

You will use every effort to convince the public that a band of insurgents attempted to overthrow the present Government with the sole object of substituting Republican and Communist forms in its stead; and that they are the only and true cause of the sufferings of the kingdom and of the Italian cause, to which it is now become impracticable to continue to render assistance as it was intended; and no reasonable man can deny the urgent necessity of defending our constitutional institutions, which in their fall would drag down with them the Constitutions of the entire Peninsula.

Proclamation and Decrees issued by the King of Naples.—May 24, 1848.
(Translation.)

NEAPOLITANS,

Naples, May 24, 1848.

DEEPLY afflicted by the horrible occurrence of the 15th of May, our most sincere desire is to alleviate its consequences, as far as that is humanly possible. Our most decided and unchangeable desire is to maintain the Constitution of the 10th of February pure and immaculate from every kind of excess; which being the only one compatible with the real and existing wants of this part of Italy, shall be the sacred ark upon which the destinies of our most beloved people and of our Crown will rest.

The Legislative Chambers shall be convoked again immediately; and the wisdom, firmness, and prudence which we expect from them will powerfully aid us in all those branches of the public service which have need of wise and useful reforms. All resume, then, your ordinary occupations. Confide unreservedly in our sincerity, our religion, and our sacred and spontaneous oath, and remain in the fullest assurance that the most incessant efforts of our mind are directed to the speedy termination of the exceptional and temporary state in which we are placed, and at the same time to abolish, as far as possible, the memory of the fatal disaster which has been inflicted upon us.

FERDINAND.

(Translation.)

FERDINAND II, &c.

Naples, May 24, 1848.

SEEING the Royal Decree of the 17th May instant, by which we determined, in consequence of the imperious vicissitudes of the times, with great grief of heart, to dissolve the Chamber of Deputies, announcing that we should as soon as possible assemble another, after new elections :

Considering that no other means are offered to us of proceeding to the same without delay, than again to give most complete effect to the provisional Electoral Law of the 29th day of February preceding, and to make a considerable modification in the amount only of the census therein fixed for electors and eligible, and to revoke in all its parts the decree issued on the 5th day of April last, which, subverting its letter and spirit, violated the political constitution of the monarchy in one of its fundamental features :

Considering that such measure would be most conducive to hasten the electoral operations, inasmuch as the first lists of the electors and eligibles, made according to the provisions of the aforesaid law of February 29, were already in existence in the different townships of the kingdom ; and that nothing is now wanting to complete them, but to add as a supplement the names of those persons who must belong to them by the reduction of the property qualification, which is the object of the present decree :

Considering that by the definitive Electoral Law provision may subsequently be made for a new territorial division in appointed colleges, distinct from that of the existing administrative districts, to which from pure necessity the aforesaid Law of the 29th February must be limited in the election of Deputies (of which new territorial division the urgency of the times has precluded us from obtaining proper, adequate, and safe elements, in spite of our utmost solicitude), and that thus a basis may be settled for a permanent system, for the simplification and expedition of such important kinds of elections :

Considering that the difficulty before raised with regard to the circumstance that the chief towns of some few districts cannot furnish buildings capable of receiving the number of electors which should meet in them, may be easily obviated by determining that the electors shall meet to give their votes and to obtain the preparatory result in the chief place of the township to which they belong, and that the definitive scrutiny may be completed in the chief town of the district, so that the full result may be made known there of the choice of the different townships of which the district is composed :

Considering that, if it is necessary to post up the lists of electors in the places appointed by the Law of the 29th February, it is neces-

sary to give a more extensive publicity to the list of the eligibles, in order that the electors, being informed of the names of those who possess the qualification required to be Deputies to the Chambers, may have full time to consider previously, and to give their votes prudently to those most capable and fit, by intelligence and civil honesty, to represent them successfully in the legislative discussions :

On the proposition of our Minister Secretary of State for the Interior ;

Having heard our Council of Ministers ;

We have resolved to decree and we decree as follows :

ART. I. Saving the modifications to be stated hereafter, the new election of Deputies shall take place according to the previous rules established by the provisional Electoral Law of the 29th February of the present year.

The Decree of the 5th April last, which changed the substance of the same, is wholly repealed ; and at the same time all the subsequent provisions which may refer to the said decree are also repealed.

II. The amount of taxable income required to be included in the lists which are the object of Article II of the said Law of the 29th of February, is reduced to 12 ducats per annum for electors, and to 120 for the eligible.

This new limitation of census must be applied to the various provisions contained in the second paragraph of Article II and in the other subsequent Articles of the said Law ; and on the same principle the first lists must be completed which were already formed for the occasion in the month of March last, in the various townships of the kingdom.

III. On the day named in the Decree of Convocation, the electors shall meet in the chief places of their respective townships, and shall there proceed to all the operations mentioned in the 20th and following Articles of the Law of the 29th of February.

But the scrutiny of votes given for the election of deputies there shall be only preparatory ; and the minute recording the result of the same shall be presented by the president of the college to the electoral junta of the chief town of the district ; which junta, assisted by the various presidents of the colleges of the townships, shall proceed to the definitive scrutiny with the same rules, in order to make known the names of those who shall have obtained the absolute majority of votes ; in failure of this, the election shall be understood as made by the simple relative majority, provided that this shall represent at least one-third and one more of the number of voters.

IV. In addition to the forms required by Article 14 of the said law of the 29th of February for publishing the lists, and after the expiration of the periods fixed for claims in the subsequent Articles 15, 16, and 17, the list of the eligibles shall be printed or distributed

in all the townships of the respective district, to give means to the electors for obtaining a more accurate and easy acquaintance with the same.

Our Minister Secretary of State for the Interior is charged with the execution of the present decree.

PRINCE CARIATI.
BOZZELLI.

FERDINAND.

(Translation.)

FERDINAND II, &c.

Naples, May 24, 1848.

SEEING the decree of this day, in which the provisional electoral law of the 29th of February of the present year is again put in force with certain modifications for the new election of Deputies ;

Considering that both with respect to the formation of the lists and to the discussion of the claims upon the same, all the electoral operations may from this day be supposed terminated by the middle of the month of June proximo ;

On the proposition of our Minister Secretary of State for the Interior ;

Having heard our Council of Ministers ;

We have resolved to decree and we decree as follows :

ART. I. The electoral colleges for the new election of Deputies are convoked for the several townships of the kingdom for the 15th day of the month of June next.

II. Our Minister Secretary of State for the Interior is charged with the execution of the present decree.

PRINCE CARIATI.
BOZZELLI.

FERDINAND.

(Translation.)

FERDINAND II, &c.

Naples, May 24, 1848.

SEEING the decree of this day, by which the electoral colleges for the new election of Deputies in the several townships of the kingdom are convoked for the 15th day of the month of June next ;

Considering that the said election may be supposed terminated by the end of the said month ;

On the proposition of our Secretary of State for the Interior ;

Having heard our Council of Ministers ;

We have resolved to decree and we decree as follows :

ART. I. The Legislative Chambers are convoked in Naples for the 1st day of the following month of July.

II. Our Minister Secretary of State for the Interior is charged with the execution of the present decree.

PRINCE CARIATI.
BOZZELLI.

FERDINAND.

No. 463.—Mr. Magenis to Viscount Palmerston.—(Rec. June 17.)
 MY LORD, *Vienna, June 11, 1848.*

It appears from a despatch dated Trieste, June 8th, received here this day, from Her Majesty's Vice-Consul at that port, that the Sardinian Admiral blockading Trieste, notwithstanding his previous assurance, and the exact compliance on the part of the Austrian Company of Lloyd's with the conditions which he had prescribed, had not allowed their steam-boat, which left that port on the evening of the 6th, to continue her voyage to the Levant.

Later on the same evening the Sardinian fleet approached within the range of the batteries of Trieste, and some shots were exchanged but with little serious consequences, when it again stood off.

The best feeling appears to have been manifested on that occasion by all classes of the inhabitants. I have, &c.

Viscount Palmerston, G.C.B. ARTHUR C. MAGENIS.

No. 464.—Viscount Ponsonby to Visc^t. Palmerston.—(Rec. June 16.)
 MY LORD, *Innsbruck, June 7, 1848.*

I HAVE the honour to inclose the official report of the engagement which took place near Mantua on the 28th ultimo. The loss on the side of the Austrian army amounted to between 200 and 300 killed and wounded, among whom there were 40 officers.

The fortress of Peschiera was obliged to surrender on the 30th ultimo, after the garrison had suffered the greatest privations.

The attack made by the Field-Marshal Radetzsky the same day upon the tête-de-pont at Goito was unsuccessful, owing to the want of heavy artillery, which could not be advanced on account of the state of the roads; and the further operations on the part of the Field-Marshal have since been interrupted by incessant rains. His head-quarters on the 1st of June were at Rivalta.

I have the honour to transmit to your Lordship a further bulletin which has just been published by His Imperial Highness the Archduke John, containing accounts from the army to the 3rd instant.

I have, &c.

Viscount Palmerston, G.C.B. PONSONBY.

(Inclosure 1.)—Official Account of the Engagement at Mantua.
 (Translation.) *Verona, May 30, 1848.*

THE Field-Marshal quitted Verona on the evening of the 27th, with a considerable part of the army, and by a bold and successful flank manœuvre marched by the enemy's line during the night and the following day in three columns towards Mantua. The Imperial troops, though much fatigued by this forced march, arrived on the evening of the 28th, eager for the engagement. At the same time

a feint was made on the evening of the 28th, and during the 29th, by Colonel Zobel, under orders from General Count Lichnowsky, in order to deceive the enemy and cover the march of the army towards Mantua.

By this manœuvre the Field-Marshal succeeded in bringing his force to bear upon the extreme right of the enemy in passing the Mincio, and in thus turning all those strong entrenchments which had been thrown up during the last six weeks between Mantua and the Lake of Garda.

In order to take the enemy effectually in flank, and to reach the level country, it was necessary to attack and carry their fortified position at Curtatone in front of Mantua. After three hours' severe fighting, the lines of Curtatone were taken, about 4000 prisoners made (among whom were a colonel, 66 officers, and a whole battalion of Neapolitan troops), and 11 guns and a great amount of arms seized.

(Inclosure 2.)—*Bulletin of the Austrian Army in Italy.*—June, 1848.
(Translation.)

FIELD-MARSHAL RADETZKY has communicated to me the following intelligence from his head-quarters at Rivalta, dated June 3rd.

In consequence of the continued stormy weather, the roads were become impassable. The Field-Marshal employed the whole of the 1st of June, and part of the next day, to secure his position towards the Oglio on the west and Castelfreddo and Medole on the north-west, and to obtain intelligence of the enemy's position by extended reconnoitring parties.

By those which were placed under command of Major-General Prince Edmund Schwarzenberg he learnt that there were 10,000 men at Curtatone, of whom 3,000 were marching towards Marcaria beyond the Oglio, and the rest towards Brescia by Castiglione; that reinforcements had crossed the Po fourteen days previously, and had joined the army at Somma Campagna, and that Goito was defended by a force of 10,000 to 15,000 men, while the main body of the army was on the heights of Volta.

The Field-Marshal caused the second division of his army to make a strong reconnoitring movement on the evening of the 2nd June in the flat country near Cerlungo; but as the roads were still much out of order, and much time was required to reach the open ground, the advance of the troops towards Cerlungo could only be effected on the 3rd.

The result was, that the King, though he had a much superior force to that of the Field-Marshal, did not venture to leave his head-quarters on the elevated ground, and that Goito, Cerlungo, Quidizzolo, and Cereta, which are defended by strong detachments, form the advanced guard of his army.

The Field-Marshal will first strengthen his position at Curtatone, and so fortify the ground which he there makes himself master of for future offensive operations, that the enemy will not be able again to gain possession of it.

ARCHDUKE JOHN.

No. 465.—Viscount Ponsonby to Visc'. Palmerston.—(Rec. June 16.)
 MY LORD, *Innsbruck, June 9, 1848.*

I HAVE the honour to inclose to your Lordship, in translation, an extract which has been published from the report of the officer who commanded the garrison at Peschiera, till that fortress was forced to surrender from having exhausted its supply of provisions.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Baron Rath, Commander of the Fortress of Peschiera, to the Archduke John.

(Extract.)

June 3, 1848.

AFTER the garrison had been forced, since the 12th May, to content itself with extremely scanty rations of roasted Indian corn, to which a little saltpetre instead of salt was added, after their supply of meat was exhausted on the 20th May, and their wine on the 29th, after the artillerymen had, without relief for 2 months, been obliged to serve day and night upon the fortifications, in the proportion of 1 man to each gun, and the number of sick and wounded had increased to 136, for whom neither sufficient medical attendance or relief could be procured, and after a forced contribution of 15,000 lire had been raised from the town for current expenses, which, though the inhabitants were poor and had suffered considerably by the bombardment, had become a matter of necessity, the commandant considered it his duty to preserve to the State a body of men who had so distinguished themselves, and, as he could entertain no hopes on any side of being rescued, entered into negotiations, through the medium of Major Ettingshausen, with the Duke of Genoa, for the surrender of the fortress, in consequence of which the capitulation was actually concluded at Cavalcarello, near Peschiera.

The Archduke John.

RATH.

No. 466.—Viscount Ponsonby to Visc'. Palmerston.—(Rec. June 16.)
(Extract.) *Innsbruck, June 9, 1848.*

AT a late hour this afternoon, I had the honour of a conversation with His Imperial Highness Archduke John, and I have only time to repeat to your Lordship very briefly the main points.

After having passed in review the existing state of the circumstances of the empire, the question of Lombardy was determined by

the declaration of His Imperial Highness that peace is to be made; and his reply to my inquiries as to its terms, "that they were not to be considered."

His Imperial Highness said that the Lombards might have the absolute disposal of their own fate, they might take Charles Albert for their King, or any other person, or do what they liked as to their Government. I referred to a well-known phrase, and said, "Your Imperial Highness, then, will accept peace *quand même*;" to which he replied, "Yes, so far as Lombardy is concerned; but we must keep Verona and the line of the Adige; it is necessary in order to protect Trieste, which is a key to our Illyrian Provinces."

It is impossible for me to communicate with Baron Wessenberg in time to send off my despatch, but I have reason to believe that no Minister will be able to control the action of the Archduke in favour of peace.

The Archduke authorized me to acquaint your Lordship with his opinion and views respecting peace, and I presume that what I have stated may afford grounds for preliminary steps, if it should be your Lordship's wish to forward a pacification. I am unwilling to intrude my opinion at any time upon any subject, but I will say that I think the Archduke is right both in leaving the Lombards free to take their own measures, and in the desire to retain the territories within the line of the Adige, for I believe that a cession of those would lead to a renewal of the contest in that part of Italy where it is so desirable to establish peace on some solid basis. The Lombards, by the retreat of the Austrians from all interference, will be at liberty to complete the union of the Duchies of Parma and Modena with the Milanese. All pretence for jealousy of Austrian aggression will cease, because Austria will have no interest to cause it; and there will not be, I am inclined to think, any strong feeling in the Venetian Kingdom against the proposed arrangement.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 467.—Viscount Ponsonby to Visc'. Palmerston.—(Rec. June 17.) (Extract).

Innsbruck, June 10, 1848.

I NEGLECTED yesterday to say that, supposing Venice should again be under the Austrian Crown, that kingdom would enjoy a free constitution. The towns of Bassano and Feltre have already surrendered, and Field-Marshal Radetzky is at present advancing upon Vicenza.

Count Stadion has left Vienna, and is expected to arrive here this day.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 468.—Vice-Consul Campbell to Visc^t. Palmerston.—(Rec. June 18.)

MY LORD,

Milan, June 11, 1848.

I HAVE the honour to inform your Lordship that, on the 10th instant a body of 12,000 Piedmontese troops, commanded by the Duke of Genoa and General Broglia, surprised the Austrians on the heights of Rivoli, and gained possession of those heights with scarcely any resistance. The Austrians fled precipitately, part of them into the Tyrol, and part across the Adige.

The Piedmontese now occupy the strong positions of Rivoli, Caprino, and San Martino.

This important intelligence was published to-day in an official bulletin, which further states that a large body of Austrian troops, with numerous pieces of artillery, had left Verona to reinforce those already before Vicenza.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 469 —The Hon. R. Abercromby to Viscount Palmerston.

(Received June 18.)

MY LORD,

Turin, June 8, 1848.

IN the course of my interview yesterday with the Marquis Pareto, I inquired whether it was true that Monsignor Morichini had arrived at the head-quarters of His Sardinian Majesty on his way to Innspruck, charged with a mission from His Holiness the Pope to the Emperor of Austria, on the subject of the affairs of Italy, and with instructions to negotiate, if possible, the terms of an arrangement between Austria and the Sovereigns of Italy.

The Marquis informed me that it was true that Monsignor Morichini had arrived at His Sardinian Majesty's head-quarters; that he was charged with a mission to the Emperor of Austria; and that he expected that the Papal Envoy would come to Turin before he commenced his journey to Innspruck.

I took occasion to observe to the Sardinian Minister for Foreign Affairs, that I considered the surrender of Peschiera, and the late successes of the Sardinian troops at Goito on the 30th ultimo, as events coming most opportunely in aid of negotiations for a settlement of the Italian question, and that they appeared to me to afford to the Government of His Sardinian Majesty facilities for terminating the war now carrying on, which I trusted would not be lost sight of.

The Marquis Pareto having expressed his belief that Monsignor Morichini would shortly arrive at Turin, I did not deem it necessary to say more upon the subject at that moment, intending to press it further when the Marquis should have had an opportunity of learning from Monsignor Morichini in person the exact nature of his instructions.

Yesterday evening, however, I learnt upon what seemed to me to be good authority, that Monsignor Morichini had already quitted the Sardinian head-quarters on his way to the Tyrol.

I therefore called this morning at the Foreign Office, but I was unable to see the Marquis Pareto himself, as he was with His Serene Highness the Prince of Carignan. I however had an interview with the Chevalier Ricci, the Under Secretary of State for Foreign Affairs.

I begged the Chevalier Ricci to inform the Marquis Pareto that my object in calling upon him this morning, had been to urge upon him the expediency of enabling me to report to your Lordship, as exactly as I could, the precise object of Monsignor Morichini's mission and the nature of his instructions; that I felt convinced that neither the Marquis Pareto nor himself required any fresh assurances on my part of the sincere desire of Her Majesty's Government to contribute, as far as possible, towards a satisfactory termination of the contest going on in Lombardy; that if a settlement of this question could be brought about by the sole intervention of His Holiness the Pope, an Italian Sovereign, Her Majesty's Government would regard such a result as a most fortunate circumstance; but that if trusting to the known friendship of Great Britain, the Sardinian Government were desirous that Her Majesty's Government should by their advice help to effect so desirable an end, it could only be by keeping your Lordship fully informed of the proposals which Monsignor Morichini is authorized to make to the Austrian Government; and that having heard that the Papal Envoy had quitted the King's head-quarters, I presumed that the Sardinian Government were now acquainted with the details of Monsignor Morichini's mission and instructions.

The Chevalier Ricci, however, told me that according to the information received, Monsignor Morichini was still expected at Turin, but that at all events he hoped by to-morrow or next day to be fully acquainted with the details of his instructions.

I gathered from the conversation of the Chevalier Ricci, that the principle of the Papal mediation is the complete and entire evacuation by Austria of the Italian provinces, and that the Sardinian Government were not disposed to listen to any propositions that did not admit of such a basis.

The present moment is so favourable for negotiations for peace, that it is greatly to be wished that every exertion should be made to effect so desirable an end; and should your Lordship consider the basis laid down by the Italian Courts, a just and fair one upon which to found a settlement of the Italian question, I entertain the belief that the Government of His Sardinian Majesty will gratefully acknowledge any assistance that your Lordship may be disposed to

afford towards a satisfactory termination of the present struggle for Italian nationality and territorial independence.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

*No. 470.—The Hon. R. Abercromby to Viscount Palmerston
(Received June 18.)*

MY LORD,

Turin, June 10, 1848.

M. LEOPARDI, the Neapolitan Minister at this Court, having addressed an official letter to the naval officer commanding the Neapolitan squadron in the Adriatic, requiring him to continue to act in concert with the Sardinian squadron, and to disobey any orders he might have received from the Neapolitan Government instructing him to return to Naples, has been recalled from his post as Envoy Extraordinary and Minister Plenipotentiary at this Court from His Majesty the King of Naples.

I learn that a portion of the Neapolitan naval squadron has returned to Naples, and another portion has remained in the Adriatic.

The same division has occurred amongst the troops sent to co-operate with the Sardinian army for the expulsion of the Austrians from Italy, part having obeyed the order to return to Naples, and part, under General Pepe, having continued their march to join the forces of King Charles Albert.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

*No. 475.—Sir G. Hamilton to Viscount Palmerston.—(Rec. June. 18.)
(Extract.)*

Florence, June 9, 1848.

I HAVE the honour to transmit 2 despatches to your Lordship from Mr. Petre at Rome.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure 1.)—Mr. Petre to Sir G. Hamilton.

SIR,

Rome, June 5, 1848.

I HAVE the honour to acquaint you, for the information of Viscount Palmerston, that a decree (Motuproprio) of His Holiness on the political liberty of the press was published this morning.

His Holiness having reserved to himself by Article LXIV of the Fundamental Statute for the Temporal Government of the States of the Church, the right of regulating the political liberty of the press, freed from all previous political censure, declares the press free, under certain regulations as to the responsibility of printers, publishers, and authors.

All insults against religion, morality, the Church, and its minis-

ters, will be punished by imprisonment for the space of from 6 months to a year, and by a fine of from 60 to 100 dollars.

Attacks directed against the temporal power of the Sovereign Pontiff, his mode of election, and the present form of Government, against the sacred person of the Pontiff, and the sacred College, against Sovereigns, or Heads of Foreign Governments, their Ambassadors, Ministers, and Diplomatic Agents, against the Upper and Lower Chambers, &c., will be punished by imprisonment of from 3 to 6 months, and by a fine of from 30 to 60 dollars.

All writings on ecclesiastical history, canon law, natural theology, ethics, &c., remain subject to a previous censorship by the ecclesiastical authorities.

Until the publication of the new law on criminal proceedings, the present mode of criminal procedure will remain in force against the crimes and offences declared punishable by the present decree.

Some curb to the licence of the press is felt to be necessary by most. I doubt the power of the Government in any attempt to put the new law into execution, as far as concerns political publications.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

(*Inclosure 2.*)—*Mr. Petre to Sir G. Hamilton.*

SIR,

Rome, June 6, 1848.

I HAVE the honour to acquaint you, for the information of Viscount Palmerston, that the Legislative Councils met yesterday, when Cardinal Altieri, specially delegated by His Holiness for the opening of the Councils, delivered a speech, of which the following is a translation:

“Gentlemen of the High Council, Gentlemen Deputies,

“His Holiness our Lord sends me to you with the joyful and honourable office of opening, in his name, the 2 Legislative Councils.

“The Holy Father desires me to signify to you at the same time how such an act of his sovereignty satisfies his heart, from the confidence which he has of seeing, by your assembling, the system of the public administration bettered.

“He rejoices with you, and thanks God that he has been able to effect the introduction into his States of those political forms called for by the exigencies of the times, and which are reconcileable with the nature of his Pontifical Government. Now, it belongs to you, gentlemen, to endeavour to draw from the new institutions those benefits which His Holiness has wished for in granting them.

“The Holy Father will not cease to pray the Author of all lights to instil into your understanding true wisdom, and that the institutions and the laws on which you are about to enter may be endowed

with that spirit of justice and of religion which are the solid and true foundation of all liberty, of all security, of all progress.

"The Holy Father has directed his Ministers to inform you, and to report to you chiefly concerning the state of our legislation and administration; he has in a particular manner directed that you be made acquainted with the state of the public treasury, in order to propose the means best adapted to amend it with the least possible pressure on the population.

"He has moreover directed his Ministers to present to you within a short time the projects of laws which the Fundamental Statute promises.

"The Holy Father entrusts to your good faith and unceasing care, internal order and concord. With these, gentlemen, liberty will turn to the advantage of all; with these, the best laws, liberal reforms, wise institutions, will be gradually formed. Instructed by long and painful experience, upholders of the Holy Religion which has its seat in this city, you will have to hope that no fulness of good will be denied to you by God, in order the better to be able to emulate the glory of your ancestors."

The day passed off in the greatest tranquillity. There was no great crowd, and little interest seemed to be taken in the proceeding.

The Cardinal went in great state from the Quirinal Palace to the Palace of the "Cancelleria," in the great hall of which, destined for the future sittings of the Deputies, the 2 Councils received his Eminence with much ceremony, as officially appointed by the authorities. 100 guns were fired from the Castle of St. Angelo during his progress. The members of the 2 Councils went in procession from the Piazza del Popolo in carriages lent by the Roman nobles, accompanied by the Senator and Municipal Counsellors, and by the clubs with their flags and banners, specially invited by the municipality.

The Chamber of Deputies consists of 100 members, but as half that number has not as yet reached Rome, no further business can be transacted; not even the verification of the elections. There are many double and triple nominations. It will therefore be some days before the Ministry can make known the principles which are to guide its conduct. Out of upwards of 4000 electors, not 800 could be induced to vote.

Cardinal Orioli, President *ad interim* of the Council of Ministers, has resigned on account of his age and health, and His Holiness has appointed Cardinal Loggia Cerroni, Bishop of Osimo and Cingoli, Secretary of State and President of the Council of Ministers.

I have, &c.

Sir George Hamilton.

WILLIAM PETRE.

No. 476.—Lord Napier to Viscount Palmerston.—(Received June 18.)

MY LORD,

Naples, June 8, 1848.

By a letter from Ancona, we are informed that a division of the Neapolitan army is in full retreat through the Papal States, marching in good order with cavalry and artillery, and paying for its subsistence, but avoiding the great towns. It is said to be between 5,000 and 6,000 strong, under the command of General Zola. It is reported from the same source, that another body of troops, which were at first inclined to obey the inspirations of General Pepe and join the army of the King of Sardinia, have been since confirmed in their allegiance, and having failed in securing the person of their Commander-in-chief, are also on the road to the Abruzzi.

The Neapolitan Government have been enabled to send about 3,000 men to Calabria, where the presence of a powerful force is required, both to confront the threatened invasion from Sicily, and to maintain the lawful authorities. At Messina some fighting has occurred, of which I have not ascertained the particulars.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 478.—Viscount Ponsonby to Visc^t. Palmerston.—(Rec. June 19.)

(Extract.)

Innsbruck, June 12, 1848.

I HAVE the honour to report to your Lordship the substance of my conversation with Baron Wessenberg this day.

The Baron told me that the Austrian Government would immediately send to the Austrian Minister at Paris such an official declaration of the intentions of Austria as would put it into the power of the French Ministry to make known officially that Austria is ready to agree to the absolute independence of the Milanese, and to treat with them for amicable arrangements between the two countries; and in confirmation of this pacific disposition and attention, that this evening full powers should be sent to Marshal Radetzky, to make an armistice with the Lombards.

I venture to say that it is very desirable that peace should be made on a solid basis. I think it may be best for attaining that end, that there should be care taken to make the frontiers of each Power strong. I presume that the line of the Mincio, including Mantua and that of the Adige from near Verona, would give the Milanese great strength, and place them, as the Austrians would be in their position behind the Adige, in circumstances of locality, which would check any disposition to attack the one or the other by the difficulties which might present themselves.

Baron de Wessenberg will see M. de la Cour this afternoon. I have told M. de la Cour that I had spoken to the Baron, who appeared

to me to be well satisfied to make an official declaration very fully in the sense desired by M. de la Cour.

In reply to my question, Baron Wessenberg assured me in the most positive terms, that if the Venetian Kingdom should remain connected with Austria, the Imperial Government would admit of the establishment there of a constitution upon the most liberal basis; extremely liberal were the words he used, and he repeated them.

Viscount Palmerston G.C.B.

PONSONBY.

No. 479.—Mr. Magenis to Viscount Palmerston.—(Rec. June 19.)
(Extract.) *Vienna, June 12, 1848.*

I INCLOSE herewith, in translation, the last official intelligence from Marshal Radetzky, dated Sanguinetto, the 5th instant.

It appears from this account that the Marshal had re-crossed the Mincio, and was retreating from his former position at Verona, having failed in his attempt to turn the Piedmontese army. He purposes passing the Adige at Legnano, which is but a short distance from Sanguinetto, and so avoids returning by the road which he took on his advance, and will join the reserve under Lieutenant-General Baron Welden now attacking Vicenza.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

(Inclosure.)—*Extract from the "Vienna Gazette," of June 12, 1848.*
(Translation.)

THE Minister of War has just received intelligence from Field-Marshal Radetzky, brought by a courier from the head-quarters, Sanguinetto, the 5th instant, according to which the Marshal had decided upon retreating to Verona, being convinced that his movement upon the rear and flank of the enemy by Mantua could no longer produce the object which he had desired. As, however, the direct road to Verona was not without danger, the Marshal had determined to pass the Adige at Legnano, and during this movement to attack at the same time Vicenza, by which means he would unite his army with the reserve under Lieutenant-General Baron Welden.

The Minister of War has also ordered that considerable reinforcements should be sent to our Italian army without delay.

No. 481.—Viscount Palmerston to Viscount Ponsonby.
(Extract.) *Foreign Office, June 20, 1848.*

I HEREWITH transmit to your Lordship copies of notes which have been addressed to me by M. de Hummelauer, requesting Her Majesty's Government to mediate between Austria and her revolted provinces in Italy, and inclosing memoranda of the points which form the basis of such negotiation.

I also inclose a copy of the note which I addressed to M. de Hummelauer in reply. I have now to say to your Excellency, with reference to your despatch of the 9th instant, that undoubtedly the arrangement which Archduke John has expressed his wish of obtaining would be the best for Austria if it could be obtained by the consent of the parties concerned, and if it could be securely maintained when once established; but, unfortunately, things seem now to have gone too far to admit of the practicability of such a plan, and if the war continues, the probable result will be that the Austrians will be driven entirely out of Italy, and that they will obtain no compensation of any kind for their loss of territory.

Hitherto, the military forces of the contending parties have been nearly balanced, and though the general result of the war has been in favour of the Italians, there has been no great advantage gained by them in any battle. But the Austrians are acting at a distance from their resources, and in a country the population of which is universally hostile to them. The Italians are at home, and are backed and aided by all the inhabitants of the country; large levies are forming in Lombardy, which will soon be ready to take the field in conjunction with the troops already under the command of the King of Sardinia; and time is in favour of the Italians and against the Austrians. It seems then to Her Majesty's Government that it would be wise for the Austrian Government to negotiate upon the basis proposed in my letter to M. de Hummelauer, and if the Austrian Government should consent to do so, your Excellency should take any step which might be conducive to that end, and go to any place where you might be able most efficiently to act, and you should of course place yourself in that case in communication with Mr. Abercromby, to whom a copy of this instruction will be sent.

Viscount Ponsonby.

PALMERSTON.

No. 482.—Vice-Consul Campbell to Visc' Palmerston.—(Rec. June 20.)

MY LORD,

Milan, June 13, 1848.

I HAVE the honour to inform your Lordship that a deputation from the Provisional Government here, formed of Count Casati, the President, and Messrs. Turrone and Beretta, members of the same, returned this day from head-quarters, to which they had proceeded, and presented to His Majesty Charles Albert containing the votes for the immediate incorporation of Lombardy with Piedmont.

The deputation, which was received with manifest emotion by His Majesty, read an address to him to the purport that "Lombardy having decided on its political condition, they had the honour to present to His Majesty the act containing the votes of the people for the immediate incorporation of Lombardy and Piedmont, and

that people waited with impatience till the Chambers and the Government of His Majesty should render the act valid."

To which the King replied, "What you now express is most dear to me. When I entered Lombardy, my only aim was to establish the independence of Italy without regard to family interests. I shall hasten to transmit the act to my Ministers, and order that it may be presented by them to the Chambers. I doubt not that the Piedmontese, the Genoese, and the Savoyards will greet the Lombards as brothers, and that the wished-for incorporation will immediately take place, the franchises be guaranteed, and such united efforts adopted as cannot fail to ensure the final liberation of Italy."

At the ceremony of the presentation of the act of incorporation, there were present the Duke of Genoa, the Count of Castegnato, First Secretary of State, the Marquis La Marmora, First Equerry of the King, the Lieutenant-Generals Salasco and Oliveri, Major-Generals Lazzeri, Robillan, D'Arvillars, and Rossi, and the officer on guard, Lieutenant Scatti. Franzini, the Minister of War, could not attend as he was confined by sickness to his bed. Signor Beretta, one of the deputation, remains at head-quarters as Envoy Extraordinary to His Majesty the King of Sardinia, instead of Count Henry Martini, who has resigned on his being raised to the rank of a Captain in the Sardinian navy.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 483.—*Vice-Consul Campbell to Visc'. Palmerston.*—(Rec. June 20.)
MY LORD, *Milan, June 14, 1848.*

I HAVE the honour to inform your Lordship that last night an official bulletin announced the surrender of Vicenza to the Austrians on the 11th instant. The following is an extract from it:

Monfelicce, June 12, 1848.

"Since Friday last (the 9th), an imposing force presented itself before the city towards Camisano, converging on the road to Bassano. Early in the morning of Saturday (the 10th) Mount Berico was attacked. At 2 P.M. it was taken by the enemy in spite of the efforts of Colonel Azeglio and Colonel Cialdini, who were both slightly wounded: 50 pieces of artillery bombarded and fired grape-shot into the city. The fire continued from daylight till sunset, which was very destructive, particularly from 4 batteries on Mount Berico. The ammunition in the city being exhausted, General Durando, to save the city, proposed to capitulate, which was agreed to. The garrison went out with the honours of war, promising not to serve for 3 months during the present war. The lives and property of the inhabitants were guaranteed to them. The Austrian

forces consisted of 30,000 men, with 60 pieces of artillery, and a strong body of cavalry, all in excellent order. The city has suffered little in the interior, but greatly in the ramparts.

F. CARANDINI, *Captain.*"

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 484.—Vice-Consul Campbell to Visc^t. Palmerston.—(Rec. June 23.)

MY LORD,

Milan, June 16, 1848.

I HAVE the honour to transmit, for your Lordship's information, some extracts from the official bulletin of this day :

"The city of Padua, seeing the impossibility of resisting the shock of upwards of 20,000 men with about 90 pieces of cannon, which were on the point of attacking it, has capitulated. The Lombard battalion there, and the Milanese sharpshooters at Treviso were called to Venice, where all the means of defence are now concentrated.

"A courier, arrived this day from the Valtelina, brings the intelligence that the Austrians in considerable numbers had attacked the heights of the Stelvio; but it has been officially reported to the Government here that although the Austrian forces in our front have been increased to upwards of 1,000 men, no engagement has as yet taken place.

"To-morrow a part of the battalions belonging to the first Lombard division, under the command of General Perrone, will leave for the camp."

The same bulletin declares the city of Trieste in a state of blockade by the Italian fleet, from the 13th instant.

I have, &c.

Viscount Palmerston, G.C.B.

ROBERT CAMPBELL.

No. 485.—The Hon. R. Abercromby to Viscount Palmerston.

(Received June 22.)

MY LORD,

Turin, June 17, 1848.

I HAVE the honour to inclose herewith to your Lordship a printed copy in Italian, together with a translation into English, of a Convention between the Government of His Sardinian Majesty and the Deputies of the Provisional Government of Lombardy, which has been laid before the Sardinian Chambers.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(Inclosure.)—Convention between the Provisional Government of Lombardy and the King of Sardinia, June 13, 1848.

(Translation.)

ART. I. As soon as the King, together with the Sardinian Government, shall have declared their acceptance of the fusion voted by the people of Lombardy on the basis of the law of the 12th May last, Lombardy and the Sardinian States will constitute one State only.

II. Until the above-mentioned acceptance of the fusion shall have taken place, the Provisional Central Government of Lombardy will continue in the exercise of their actual powers. After the above-cited acceptance, Lombardy will be governed provisionally according to the following rules.

III. Freedom of the press, the right of association, and the institution of the national guard, are maintained and guaranteed to the Lombard people in their actual form and extension, *de jure* and *de facto*.

IV. Immediately after the promulgation of the law permitting the fusion of the 2 States, the executive power will be exercised by the King through a Ministry responsible to the nation represented by a Parliament.

V. Public Acts will be made in the name of His Majesty King Charles Albert.

VI. The laws and regulations actually in force in Lombardy are maintained.

VII. The Government of the King will not be able to conclude political and commercial Treaties without having come to a previous agreement with an extraordinary Consulta, composed of the present members of the Provisional Government of Lombardy.

VIII. The Law of Elections for the Constituent Assembly will be promulgated within a month after the acceptance of the fusion. At the time of the promulgation of the said law, the common Constituent Assembly, which must meet as soon as possible, and at all events not later than the 1st November next, will be convoked.

IX. The Electoral Law will be founded on the following bases :

a. Every citizen who shall have reached the age of 21 is elector ; with the following exceptions :

In the provinces subject to the Sardinian Statute, are excluded the persons debarred by the terms of the law of the 17th March last.

In Lombardy, those citizens who are in a state of judicial interdiction, with the exception of spendthrifts.

Citizens in a state of prolonged minority.

Those who have been condemned or are proceeded against for crimes, as well as offences committed against public order, or through

desire of gain; in which second class, however, are not included offences against the customs and game laws.

Those upon whose property a meeting of their creditors has been called together, when they shall have been civilly condemned to imprisonment for their failure.

Citizens who have accepted a public office, civil or military, from a State foreign to Italy, and who shall not be able to prove that they have renounced the said office, with the exception of Consuls of foreign States, and those employed by them.

b. The number of Deputies will be in the proportion of one for 20,000 to 25,000 inhabitants.

c. There being no electoral districts in Lombardy, the elections will be made according to the administrative divisions at present existing, and the repartition and nomination of Deputies will take place in the provinces.

d. The voting will be direct, and by secret scrutiny.

No. 486.—Mr. Magenis to Viscount Palmerston.—(Rec. June 22.)
(Extract.) *Vienna, June 16, 1848.*

I HAVE the honour to inclose herewith, copy of a despatch from Her Majesty's Vice-Consul at Trieste, together with its inclosures, which reached me this morning, announcing the blockade of that port by the united Venetian and Sardinian squadrons, to commence from the 15th instant.

Viscount Palmerston, G.C.B. ARTHUR C. MAGENIS.

(*Inclosure 1.*)—*Vice-Consul Raven to Viscount Ponsonby.*
(Extract.) *Trieste, June 13, 1848.*

I HAVE the honour to inclose your Excellency a copy of the declaration of the blockade of Trieste, signed by the Sardinian and Venetian Admirals; also, copy of a letter received from the 2 Admirals.

Viscount Ponsonby. HENRY RAVEN.

(*Inclosure 2.*)—*Admirals Bua and Albini to the Governor of Trieste.*
(Translation.) *From the anchorage off the coast of Trieste,*
EXCELLENCY, *June 8, 1848.*

THE Undersigned Admirals have the honour to inclose to your Excellency the declaration of the blockade of Trieste, in order that you may be pleased to make it known to the trade, and likewise to inform your Government. They have, &c.

The Governor of Trieste. BUA, *Rear-Admiral.*
ALBINI

Declaration of the Blockade of Trieste.

(Translation.)

THE 2 Admirals commanding the Sardinian and Venetian naval divisions, guided by the philanthropic intentions of their respective Governments, and moved by that respect for the sacred rights of people which honours and distinguishes civilized nations, have laid down for their principal object, while cruising in the Adriatic, to defend the cause of Italian independence, that of not causing any impediment to commerce, nor molestation to the trade of any merchant-vessels, including those of Austria.

And hence, in conformity with such principles, they would consider themselves bound to show every kind of regard in favour of the city of Trieste, provided the latter, intent upon her commercial affairs, remaining in her pacific character, had abstained from all military operations.

Considering now, however, that the city of Trieste, far from remaining exclusively commercial, has assumed the character of a place of war :

Being fortified by a castle, and by various batteries :

Having a numerous garrison :

Harbouring a division of ships of war, which, flying from the Italian squadron by the help of the steamers of the Austrian Lloyd's, now remains drawn up in the port, in a position to attack :

Fortifying with cannon the shore and the heights, in order to strengthen the system of cross fire :

Availing themselves of the assistance of the Commercial Company of the Lloyd's, armed for war, to maintain the blockade of Venice, and to assist in every way warlike undertakings :

Having been until now the centre of hostile operations against the Venetian shores, and the point of departure of troops, provisions, and munitions of war :

Having, on the night of the 6th June, opened a fire upon the Italian squadron, without the least provocation, while the latter was proceeding to take up an anchorage with the view of opening communications with the Government on the following day :

Continuing, notwithstanding the silence of the batteries of the fleet, to fire many cannon-shot, some of which reached, by ricochet, the Sardinian frigate *San Michele* :

Considering, moreover, with what ferocity the Austrian armies fight upon the soil of Italy :

The 2 Admirals, strong in their rights of war, and relying upon the opinions of the most celebrated and well-known publicists, declare the blockade of the city and port of Trieste, for all vessels under the Austrian flag, from and after the 15th of the present month of June.

Declare definitively the blockade for all other flags to commence on the 15th of July.

BUA, *Rear-Admiral*.
ALBINI.

(*Inclosure 3.*)—*Admirals Bua and Albini to Vice-Consul Raven.*
(Translation.) *From the anchorage off the coast of Trieste,*
SIR, *June 11, 1848.*

THE Undersigned Admirals have the honour to transmit to you a copy of the proclamation addressed to the Governor of Trieste, by which they declare that they have established *de facto*, the blockade of the port and city of Trieste.

As it is possible, during the blockade, that the united Italian naval divisions may undertake some sort of military operation against Trieste, for that reason the Admirals have the honour to give you notice, in order that you may take those measures that you may think proper.

The Sardinian Admiral, for his part in particular, acquaints you that on the night of the 6th instant some cannon shots were fired from the forts of the city, some of which reached, by ricochet, the Sardinian frigate *San Michele*, and then the crews most courageously and ardently sought permission to fire. With the particular desire to prevent any harm from occurring to the Consuls or to the inhabitants, the desired permission was not granted, nor was a single cannon fired in return.

We have, &c.

BUA, *Rear-Admiral*.
ALBINI.

Vice-Consul Raven.

No. 487.—*Viscount Ponsonby to Visc'. Palmerston.*—(*Rec. June 23.*)
MY LORD, *Innsbruck, June 14, 1848.*

A COURIER arrived here last night from Italy, bringing the important intelligence of the capitulation of General Durando at Vicenza. The Austrian troops, it appears, stormed 2 fortified heights in the neighbourhood, and threw shells from thence into the town, which surrendered after about 80 shells had thus been thrown. The terms of the capitulation are, that the troops under General Durando, amounting to 15,000 men, shall retire beyond the River Po, and that they shall not serve again against Austria for the space of 3 months.

The Austrians lost 40 officers and 600 men.

By the latest accounts from the army, Field-Marshal Radetzky was at Longare, with the first division of his army, at 9 A.M. on the 11th June, and was marching to Verona. The second division of the army remains for the present at Vicenza, for the purpose of establishing a junction with the corps d'armée of Baron Welden.

The Field-Marshal had also dispatched a brigade to Schio, in order to keep open the communication with Roverido, in case the Piedmontese, who have made themselves masters of Rivoli and of the road between Verona and the Tyrol, should make a move in that direction.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—*Ninth Bulletin of the Army of Italy.*

(Translation.)

Innsbruck, June 14, 1848.

I HAVE received the following communication from Field-Marshal Count Radetzky, of the 11th instant, 9 o'clock A.M. from his headquarters at Longare, respecting the occupation of Vicenza.

The day before yesterday at 9 in the evening, I reached Vicenza with my army, and yesterday by 10 o'clock A.M. I had gained with my brave troops all the positions, entrenchments, and heights about the city, and to-day, I marched into the city of Vicenza, which is well provided with artillery and provision, in accordance with a capitulation concluded at 6 o'clock in the morning by Field-Marshal Von Hess, with the Papal troops, by which these troops of 15,000 men evacuate the city, cross the Po, and engage not to serve against us during 3 months.

Yesterday was a day of great glory for the troops of His Majesty. The 1st and 4th corps, and the division of Culoz, vied in bravery and intelligence, and the officers of the army covered themselves with renown, as they have always done, as well as the men. But the loss of the former is considerable. Their names and number, with that of the men, I shall not be able to communicate until I can send a more detailed account (about 20 officers, and 500 to 600 privates; of the enemy about 1,800). Generals Count Vratislaf and Baron d'Aspre, as well as the chief of division Culoz, whom I dispatched with his troops from Verona to Vicenza, have deserved my especial thanks; also the chiefs of division, and the brigadiers, of whom Major-General Prince William of Taxis was wounded, and Count Clam had a horse shot under him. Among the brave colonels of the army, who all did their duty, I must not omit Colonel Ropal of the 10th battalion of chasseurs, and Reischach, who were both wounded, and Kavanah, who was killed at the head of his regiment in this affair.

The captain of cavalry Prince Rudolph Liechtenstein was also slightly wounded, and 8 officers of the brave 10th battalion of chasseurs were wounded like their brave commander.

I march this evening for Verona with the first corps d'armée and the division of Culoz, in order to cover with my principal force that place, which after the occupation of Vicenza is my chief point. I leave the second corps here at Vicenza, to garrison this city in the

meantime, and to regulate and secure the provisions and any subsequent movements. I also dispatch this night a strong brigade of this corps to Schio, to open for me the communication with Roveredo through the Val Arsa, and in case the position of Rivoli shall be occupied by the enemy, and the communication through the Etschthal shall thereby be endangered for the moment, to open it for me again by further movements.

I have also directed the corps which remains here in Vicenza, to put itself in communication by detached parties with the corps of Baron Welden at Montebelluno.

Finally, in order to the lasting interruption of communications between this place and the revolutionary Padua, I have caused a bridge of the railway on the road to that place near Pojano, to be blown up by Captain Molinary.

I have just received the following details, with the report of Colonel Von Melzer of the 9th instant, relative to the attempt made on the 7th instant under that officer, to open a communication through the Val Arsa, with 5 companies of Latour, 2 companies of the Grand Duke of Baden, the body of the Zöttel Militia, a part of the first company of Klausner Militia, another division of militia, a train of cavalry, a division of pioneers, and 5 rockets.

The troops were assembled in Chiesa at 6 o'clock in the evening, and set in motion in 3 columns; and the enemy was resolutely attacked on the heights of Pietra la Favella, where he had protected his whole position by stone walls and trenches, and defended it by rocks; he was driven back, and the steep heights, strongly garrisoned, and defended by a cross-fire were taken by storm, in spite of a heavy shower of bullets; we then removed by the greatest exertions, the almost insuperable obstacles placed in the way, consisting of stoppages in the valley 8 feet thick, walls built up of enormous blocks, roads dug up to the length of 200 paces, hollows excavated and bridges broken. A party sent out to make a reconnissance reported, at 4 o'clock in the afternoon, that nothing could be heard of the lateral column of Baron Welden, and that the road in the direction of Valle de' Signori also was broken up. This, and the intelligence that the commanding heights both in front and rear were again held by the enemy who came in all directions, as well as the entire exhaustion of the troops, who since the preceding day had been on the march and without food, imposed the necessity of gaining the heights in the rear, which was not done until half-past 6 o'clock after continual fighting.

The fight was ended by the coming darkness, when our position was taken up about 11 at night, near Piano, when first the troops were able to take the necessary refreshment. Our loss consists of

1 dead and 10 wounded: that of the enemy, who nearly always fought in crevices of rocks, and behind blocks of stone, from 20 to 30 men.

The militia have shared with glory in the efforts of the regulars, as far as the frontier; the company of Zöttel a good bit beyond the border.

The officers and men both of the regulars and militia have performed wonders of constancy, bravery, and intrepidity. I have especially to mention the 7th and 8th companies of the Grand Duke of Baden, the latter of which, brought from Ala, was 32 hours incessantly marching or fighting; the 7th company engaged in covering the left flank (advancing up the Gems) performed its task in a way that nothing better could be desired. But I must particularly mention the skilful guidance and intelligence of Captain Kopal, who commanded this Company, and of Lieutenant Hofschuher under his command, who constantly preceded the troops, animating them with their example. Lieutenant Adolf Wunschheim, of the infantry of Latour, was much remarked for resolution and coolness at the same time.

I must in conclusion bear honourable testimony to the behaviour of the chaplain Amon, of the 1st militia company of Klausner, who, being dispatched by me on several commissions, conveyed them to the divisions in the midst of danger, and during the entire fight was a pattern of coolness to all.

According to a report from the Commandant of the station at Trafoi, on the Stilfser-Joch of the 11th instant, a body of insurgents of 300 to 400 men, chiefly Austrian deserters from the Regiments of Ferdinand Victor D'Este and Haugwitz, came down at half-past 8 o'clock in the morning from the heights of Ferdinand towards the place called the Cantoniera del Bosco, down the French heights, rolled great stones upon a building, which had been 8 days occupied by a forlorn post of 30 men, and attacked the post in front, and on the left flank; the detachment, too far from Trafoi to expect succour in time retreated to Trafoi, the insurgents followed on the ridge, and threatened to outflank the position of Trafoi. Lieutenant Bruder took up a position in face, returned the heavy fire of the enemy, and by climbing the heights, compelled him to desist from the attack, and to go back again to his first position on the heights of Ferdinand. The fight lasted from 9 o'clock until 2 P.M. In spite of the heavy fire of the insurgents, who advanced with flag and a mountain gun, no one on our side was wounded; but to judge from the loud cries and groans, many of the enemy must have been struck. The Chasseurs showed especial daring, and excited the general admiration of the musketeers, who also exhibited the most praiseworthy ardour.

Captain Halloy, of the Imperial Chasseurs, wished at the same time to make an attack upon the heights of Ferdinand, but the large quantity of soft snow would not permit the attempt. The insurgents burned the Cantoniera and a wooden hut on the French heights, and occupied their former position; but appeared to have intended to burn Trafoi, from which they were prevented simply by the prudent arrangements of Lieutenant Bruder, and the bravery of the garrison.

The enterprise of Count Radetzky against Vicenza has caused the Piedmontese army to march to the Etschthal, relative to which I have received the following announcement:

The enemy has attacked the position of Rivoli with his concentrated forces, after occupying Garda, Bardolino, and Affi. Colonel Baron Zobel, who held the command there, was in consequence induced to retreat to the Etschthal.

When afterwards on the 11th instant there had been fighting all day near Coronna, and it was ascertained that the enemy was advancing with all his forces towards our little troop there, the troops were marched to Vo and Avio; Madonna della Neve was occupied, and it was not without the utmost exertions that the passage to Ala and that of Roverido could be effected at high water.

The 12th passed without disturbance in the position mentioned. The communication with Verona for carriages is interrupted, because the roads from the right bank are exposed to the enemy's cannonade; but the pass is carried through the Val Fredda by Hugo.

The operations remaining to be effected by the brigade dispatched by Field-Marshal Radetzky to Schio, are, 1st, the restoration of the entirely free communication with Verona through the Val Arsa; and, 2ndly, the reinforcement of the brigade of Zobel, left in the Etschthal to keep off the enemy, while the Field-Marshal, who has reached Verona in the meantime, will direct the further operations in aid of his object.

The following communication has also been received from Baron Welden on the 21st instant, at 10 o'clock, A.M., from his headquarters at Spressiano before Treviso, relative to the operations of the corps of the army of reserve under his command, on the 9th and 10th instant.

The advance of the column under Colonel Wolf took place on the 9th, at 6 o'clock, P.M., after a severe fight and the storming of the enemy's position at Enego, where 4 guns, some mortars, provisions, arms, pikes, pistols, &c., fell into our hands. The details of this important affair, which has opened to us another road to Tyrol through Valsugana, driven the insurgents from their most advan-

tageous positions, and given into our hands their guns and other ammunition, were as follows: when the attacking column, consisting of 8 companies of Haynau infantry under Colonel Wolf, reached the heights above Primolano, at 7 in the evening, it was received by a heavy fire from the enemy's guns, which, however, did not prevent it from occupying Primolano. As before arranged, a division was detached in the night under the command of Captain Vanderstät towards the right, over the Tyrolese border to Le Tezze, another down the valley of the Cismon, and a company over Rocca to Cismon and Incin.

These 2 lateral columns were to turn the position of the enemy on the 8th, and then the principal column, under Major Weigel, to attack in front. A heavy rain which fell on the 8th delayed the execution. It is true the left column reached Cismon, but found the bridges broken along the road to Incin, and occupied in force by the enemy. It suffered some loss by the rolling down of stones, and afterwards retired towards Arcié.

The column proceeding to the right, found in Le Tezza 2 companies of H. H. Ludwig and of Tyrolese riflemen from the Grobnor valley, and of the 1st Innsbruck academic company, under Captain Aigner, belonging to the militia of Tyrol. This captain immediately offered to place his detachment under the orders of Captain Vanderstät, with the Hayman division, which added to the strength of the whole expedition, and to this large reinforcement the success of the enterprise is chiefly to be ascribed. During the night, in the midst of a frightful shower of rain, they climbed up the Col di Fredur, the head of which they reached on the 9th at 5, A.M., and were immediately received by a sharp fire from the enemy, but, notwithstanding this, they descended in the rear of the position of Enego. Under a constant fire which lasted 3 hours, the enemy was at last compelled to retreat, and as now, the principal column, under Major Weigel stormed the position in front, after the broken bridge at Piovega di Sopra had been rapidly restored under a heavy fire of the enemy, Enego and the surrounding batteries were taken; by this affair, the middle column obtained 2 guns, that of Captain Vanderstät 1, the 2 companies of Ludwig, and the brave Tyrolese militia also 1, and the before-mentioned trophies. All the commanders speak highly of the willing and courageous behaviour of the young Tyrolese academicians and militia, of whom 2 were wounded. No prisoners were brought in of the enemy, but several were found dead at the batteries.

The whole affair took place under the heaviest pouring of rain, which, however, was as little able as the enemy to check our advancing columns.

I immediately gave orders to leave the captured guns and all the

trophies with the brave Tyrolese, to occupy Primolano and Enego with 2 companies, to go down with 2 others to Bassano in the canal of the Brenta, and with the 4 others to "cotoyer" these movements on the hills.

On the 10th, the minds of the people in the neighbourhood of Bassano were observedly very much calmed. The magistrate of the town of Castelfranco, whom I had directed to issue a proclamation of a tranquillizing tendency, in relation to the murder of some of our wounded men at that place, replied to this with hearty thanks, and stated his readiness to afford our troops every assistance.

The parties dispatched in various directions from the brigade of Liechtenstein, fell in with a strong body of the enemy near Postuma, which had advanced from Treviso, but a flag of truce, whom I sent with a reply to the Commandant at Treviso, did not see the enemy until the porta San Tomaso; he was introduced into the city with great ceremony, where Colonel Zainpeccari commanded an inconsiderable body of Papal troops, and could reckon upon better treatment than was experienced by the veteran hero Field-Marshal Lieutenant Baron Bianchi, who was shamefully retained in Treviso as hostage.

On the evening of the 10th I received intelligence that during an incessant fall of rain, the columns from Cadore and Belluno dispatched in the direction of Toldo and Agordo, had taken this last lurking-place of the insurgents, and that the latter had been dispersed in all directions, by which also 2 guns fell into our hands.

At the conclusion, the following was added by Field-Marshal Lieutenant Baron Welden.

"I have now invested Treviso, and summoned the city to surrender; if this does not follow within one hour, no further negotiations shall take place, and the bombardment shall be begun."

ARCHDUKE JOHN.

No. 488.—Viscount Ponsonby to Visc^t. Palmerston.—(Rec. June 22.)
(Extract.)

Innsbruck, June 16, 1848.

I called on Baron Wessenberg and proposed to him that he should send to your Lordship copy of his letter to Count Casati at Milan on the subject of an arrangement with the Milanese.

Viscount Palmerston, G.C.B.

PONSONBY.

(Inclosure.)—Baron Wessenberg to Count Casati.

Innsbruck, le 13 Juin, 1848.

SA Majesté Impériale et Royale, guidée par des sentiments d'humanité et de paix, désire vivement voir mis bientôt un terme à la guerre qui désole les provinces Italiennes.

A cet effet je suis autorisé à ouvrir avec le Gouvernement Provisoire établi à Milan une négociation qui serait basée sur la séparation et l'indépendance de la Lombardie. Le Gouvernement de Sa Majesté Impériale et Royale n'y rattachera que des conditions équitables, lesquelles comprendraient principalement le transfer d'une partie proportionnelle de la dette de l'Empire d'Autriche à la charge de la Lombardie, plus un règlement qui assurerait certains avantages au commerce Autrichien, et quelques stipulations par rapport aux propriétés particulières de la Famille Impériale et aux pertes qu'ont éprouvées les employés militaires et civils à la suite des derniers événements.

Vous voyez, M. le Comte, que j'aborde dès le commencement la question avec toute la franchise possible.

Je vous informe en même temps que Sa Majesté Impériale vient de donner des ordres pour la conclusion d'un armistice à laquelle le Gouvernement Provisoire aimera sans doute à concourir.

Il ne restera qu'à nommer de part et d'autre des Plénipotentiaires pour conduire la négociation en question au but désiré.

Recevez, &c.

Count Casati.

WESSENBERG.

No. 489.—*Sir G. Hamilton to Viscount Palmerston.*—(Rec. June 22.)
(Extract.) *Florence, June 14, 1848.*

I HAVE the honour to transmit a despatch from Mr. Petre at Rome.

Viscount Palmerston, G.C.B.

GEORGE B. HAMILTON.

(Inclosure.)—*Mr. Petre to Sir G. Hamilton.*
(Extract.) *Rome, June 10, 1848.*

I HAVE the honour to report to you, for the information of Viscount Palmerston, that 52 Deputies being assembled in Rome, the Councils met again yesterday, when Count Mamiani, Minister of the Interior, read a speech to the Deputies about the nationality and the independence of Italy, and the justice and right of carrying on the war as long as a stranger shall occupy any portion of the Italian soil.

The speech concludes with the following passage:

"Gentlemen, the times are more than ever stormy. Amongst the people is an excessive impatience to change the course and even the principles and foundations of Government. All that which ages have accomplished and established with toil and length of time, is now threatened with sudden destruction. But after having levelled, it behoves to rebuild with great solidity, and with singular skill; and from this work will it alone be possible to judge of the value of modern political wisdom. The Ministry is fully confident that you,

assembled in the eternal city, by the side of the unmovable seat of Christianity, will be able to accomplish the most difficult task of rebuilding and reconstructing; that you, in these arts of peace and policy, will know how to equal the glory of our armed brothers, who there on the banks of the Mincio and of the Adige, hold up against the insolent foreigner who hurled on our unarmed and innocent head, the lying accusation of disloyalty, of sloth, and of cowardice."

Sir George Hamilton.

WILLIAM PETRE.

No. 490.—Consul-General Dawkins to Viscount Palmerston.

(Received June 22.)

(Extract.)

Venice, June 12, 1848.

I HAVE the honour to inclose a bulletin published this afternoon, announcing the capitulation of Vicenza to the Austrians.

It appears that Marshal Radetzky in person, having left Verona some days since, with the apparent object of giving battle to the Piedmontese, suddenly retired through Mantua and Legnago across the Mincio and Adige, and advanced by a forced march to Montenagna on the road from Legnago to Padua.

After refreshing his troops, said to amount to about 15,000, including a considerable force of artillery, Marshal Radetzky marched upon Vicenza, and compelled General Durando, who was in command there with a body of from 4,000 to 5,000 Swiss and some Papal regular troops, both infantry and cavalry, to capitulate.

The Austrians are now masters of the Vicenza end of the railroad, and there seems nothing to prevent their being on the shores of the Lagune at any moment. Padua is not expected to make any resistance, and neither that town nor Treviso are garrisoned by regular troops, but by free corps and civic guards.

The Austrians are represented as having received considerable reinforcements from the Tyrol and the Friuli.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—Bulletin issued by the Provisional Government of Venice respecting the Capitulation of Vicenza.

(Translation.)

Venice, June 12, 1848, 10 A.M.

THIS morning the Departmental Committee of Padua has published the following notice:

The Provisional Departmental Committee of Padua.

CITIZENS,

Padua, June 12, 1848, 1 A.M.

Vicenza has capitulated after a valorous defence.

The events of the war are not too easily estimated. Milan held out for 5 days.

The honour of Italy, the honour of this very city, depends on your spirit, on the defence you make.

The enemy may attack you from one moment to the other; you must resist him on the walls, long since well fortified; you must be determined.

The Committee, in the course which it is taking, relies on you; it is devoted to your will, and rests in security on the valour of Colonel Bartolucci, who declares that he is resolved not to yield while we have means of defence.

The Committee,

MENEGHINI.	GRADENIGO.
LEONI.	CAVALLI.
COTTA.	GRITTI.
ZAMBELLI.	

MAGAROTTO, *Vice-Secretary*.

Venetians! whatever may be the future events of the war, the sea is ours; our city and our lagunes are sufficiently fortified, and are, as you know, impregnable; but there is required of you steadiness of mind, confidence, concord, order, and tranquillity.

MANIN, *President*.

J. ZENNARI, *Secretary*.

TOMMASEO.

No. 491.—Consul-General Dawkins to Viscount Palmerston.

(Received June 22.)

(Extract.)

Venice, June 13, 1848.

I TRANSMIT to your Lordship a copy and translation of a note which I have just received from the Provisional Government here, inclosing a proclamation issued by the Sardinian and Venetian Admirals off Trieste, together with a note addressed by those officers to the Consular body at Trieste, announcing the *de facto* blockade of that city and harbour. This blockade to commence on the 15th instant as regards vessels under the Austrian flag, and on the 15th July as regards all other vessels.

The Neapolitan squadron has been recalled to Naples, as stated in the inclosed proclamation.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure I.)—Signor Manin to Consul-General Dawkins.

SIR,

(Translation.)

Venice, June 13, 1848.

THE Provisional Government has the honour to transmit to you herewith some copies of the declaration of the blockade of the city and harbour of Trieste, published by Admiral Albini, commanding the Sardinian squadron, and Bua, commanding the Venetian squadron.

The blockade will commence on the 15th of June instant for all vessels under the Austrian flag, and on the 15th of July next for all other flags.

The Provisional Government requests you, Sir, to make the above resolution known to your Government, and offers, &c.

ZENNARI, *Secretary*.

MANIN, *President*.

J. PINCHERLE.

Consul-General Dawkins.

(*Inclosure 2.*)—*Bulletin issued by the Provisional Government of Venice. Venice, June 13, 1848.*

By the merchant steamer *Vesuvius* has arrived the adjutant of the King of Naples, the Brigadier of the Marine Cavalcante, dispatched by His Majesty, the bearer of a peremptory order for the return into his dominions of the Neapolitan division which was united with the Sardinian and Venetian divisions, by very orders of the King, to fight in the cause of Italian independence. Accordingly, on the night of the 11th, the 3 steam-frigates and the brigantine departed, and in the following night the other 2 frigates.

Meanwhile we are happy to announce that the 2 Admirals commanding the Sardinian and Venetian divisions have formally declared the blockade of the city and roadstead of Trieste, to commence from the 15th of the present month for vessels under the Austrian flag, and on the 15th of July next for those of other nations.

Yesterday the Sardinian steamer *Daino* opened its fire on the battery of Caorle, and silenced it after 80 or 100 shots. It received 7 shots which did no injury.

This morning the same steamer and 6 pinnaces returned to port.

By order of the Provisional Government,

ZENNARI, *Secretary-General*.

No. 492.—Consul-General Dawkins to Viscount Palmerston.

(*Received June 23.*)

(*Extract.*)

Venice, June 14, 1848.

IN acknowledging the receipt of the note from the Venetian Provisional Government, communicating to me the declaration and circular letter respecting the blockade of Trieste, I have thought it my duty to call the attention of the Venetian authorities to a paragraph contained in the last-mentioned document, and to protest, in the note of which a copy is herewith inclosed, against any attack being made upon the town and port of Trieste, on the part of the vessels acting under the orders of the Venetian Admiral, whereby the lives and properties of British subjects should be endangered, unless a further and more specific notice than that contained in the

above-mentioned paragraph, of any such intended attack, be previously given by the Venetian Admiral.

I have forwarded copies of these papers to Her Majesty's Minister at Turin.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—Consul-General Dawkins to Signor Manin.

Venice, June 14, 1848.

THE Undersigned, Her Britannic Majesty's Consul-General, has had the honour to receive the note of Signor Manin, President of the Provisional Government of Venice, in date of yesterday, inclosing some copies of the declaration dated the 11th instant, of the blockade of the city and port of Trieste, issued by the Admirals Albin and Bua, commanding respectively the Sardinian and Venetian squadrons.

Signor Manin likewise transmits to the Undersigned a copy of a note addressed by the Admirals above-named to the Consular body at Trieste, communicating to that body the declaration of the blockade in question.

The Undersigned will transmit these papers to Her Britannic Majesty's Government, in compliance with the request of Signor Manin.

In the meantime the Undersigned begs leave to call the attention of Signor Manin to a paragraph in the letter already referred to from Admiral Albin and Admiral Bua to the Consular body at Trieste, which states as follows :

"As it is possible, during the blockade, that the united Italian naval divisions may undertake some sort of military operation against Trieste, for that reason the Admirals have the honour to give you notice, in order that you may take those measures that you may think proper."

"(Siccome potrebbe darsi il caso che durante il blocco le divisioni navali Italiane riunite intraprendessero una qualche azione militare sopra Trieste, perciò gli Ammiragli hanno l'onore di avvertirla per quelle misure che crederà opportune.)"

The Undersigned takes leave to state that he cannot consider the above indefinite notice as alone sufficient to authorize the adoption by the vessels acting under the orders of Admiral Bua, at any moment which that officer may think fit, of any military operation in the nature of a bombardment, or otherwise, against the city and port of Trieste, by which the lives and property of British subjects may be endangered.

The Undersigned, therefore, must protest against any such interpretation of the notice above cited on the part of the Venetian authorities; and the Undersigned demands, in so far as such military operations may be conducted by the vessels acting under

the orders of Admiral Bua, that due and specific notice be given to the British Consul at Trieste by the said Admiral Bua, of his intention to undertake any such operations, in order that the British Consul may have time to provide for the safety of the lives and property of British subjects: in default of which it is the duty of the Undersigned to declare that he will hold the Provisional authorities of Venice responsible to the Government of Her Britannic Majesty for all injury and damage sustained by British subjects and property, in so far as the same may be occasioned by the vessels acting under the orders of Admiral Bua.

The Undersigned, &c.

Signor Manin.

CLINTON G. DAWKINS.

No. 493.—Consul-General Dawkins to Viscount Palmerston.

(Received June 23.)

MY LORD,

Venice, June 14, 1848.

I TRANSMIT to your Lordship a printed copy of a notice which was affixed yesterday to the walls in all parts of the town, calling upon those inhabitants of Venice who are in favour of applying to the French Republic for succour, to inscribe their names in registers opened for that purpose.

The Assembly which was to have been held on the 18th instant, in which the Venetians were to state their opinion as to the expediency of an immediate or an eventual declaration with regard to the political destinies of their country, has been postponed.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

P.8.—General Pepe, with that portion of the Neapolitan troops who refused to obey the order to return to Naples, amounting it is said to about 3,000, arrived here yesterday.

C. G. D.

(Inclosure.)—Address to the Venetians.

VENETIANS,

(Translation.)

Venice, June 13, 1848.

YESTERDAY was put forth a pressing address to the Provisional Government of the Venetian Republic, covered in a few hours with about 500 signatures, in which, taking advantage of the generous dispositions of the French Republic, its powerful succour was demanded in our favour.

Those who are of the same opinion, which is inspired by a pure love for the country, are invited to affix in the course of the day their signatures to some of the registers which for this purpose are opened in the undermentioned places.

LORENZO ONGANIA, *Civic-General.*

No. 494.—Count Dietrichstein to Viscount Palmerston.

Chandos House, le 22 Juin, 1848.

LE Comte Dietrichstein a l'honneur de présenter ses compliments à son Excellence M. le Vicomte Palmerston, et le prie de vouloir bien prendre connaissance de la dépêche ci-jointe de M. le Baron de Wessenberg et la lui renvoyer ensuite.

S.E. le Vicomte Palmerston, G.C.B.

DIETRICHSTEIN.

(Inclosure 1.—Baron Wessenberg to Count Dietrichstein.

M. LE COMTE,

Innsbruck, le 15 Juin, 1848.

M. LE COMTE DE LUTZOW, jusqu'ici Ambassadeur à Rome, nous a rendu compte des attentions obligeantes dont il a été l'objet de la part des autorités maritime et administratives Anglaises à l'occasion de son voyage de Rome à Trieste.

Votre Excellence trouvera consignés dans l'extrait ci-joint du rapport du dit Ambassadeur les détails des services qui lui ont été rendus par les autorités Britanniques précitées.

Je remplis un véritable devoir de conscience en vous chargeant, M. le Comte, de témoigner au Principal Secrétaire d'Etat la reconnaissance que les procédés aussi loyaux qu'utiles des serviteurs Britanniques ont inspirée au Gouvernement Impérial, et le désir que nous éprouvons, que l'expression de nos sentiments à cet égard soit portée à la connaissance des individus qui s'y sont acquis des titres.

Recevez, &c.

M. le Comte Dietrichstein.

WESSENBERG.

(Inclosure 2.)—Report from Count Lutzow.

(Extrait.)

Trieste, le 4 Juin, 1848.

L'AMIRAL PARKER, grâce à l'intervention de Mr. W. Petre, Agent Anglais à Rome, soutenu par Lord Napier, Chargé d'Affaires de Sa Majesté Britannique à Naples, s'empresse de mettre le bateau à vapeur royal *Locust*, Lieutenant E. R. Power, à ma disposition, qui arriva à Civita Vecchia presque en même temps que moi.

Je ne saurais assez bien louer les procédés éminemment honnêtes et hospitaliers dont j'ai été comblé à bord du *Locust*, tant par M. le Commandant comme par tout l'équipage. Le Lord Grand Commissaire des Iles Ioniennes, Lord Seaton, m'a accueilli de la manière la plus distinguée à mon passage par Corfu, où j'ai rencontré l'Ambassadeur de Sa Majesté Britannique près la Sublime Porte Ottomane.

LUTZOW.

No. 496.—*Viscount Ponsonby to Visc'. Palmerston.*—(Rec. June 26.)
(Extract.) *Innsbruck, June 17, 1848.*

ACCOUNTS have been received here that Treviso surrendered on the 14th, after having been bombarded during 12 hours.

The prisoners amount to 4000 troops, who are allowed to retire beyond the Po, on the condition of not serving against the Austrians before the expiration of 3 months. There are reports also of disturbances at Prague. It is said that Prince Windischgrätz has made himself master of the city.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 497.—*Viscount Ponsonby to Visc'. Palmerston.*—(Rec. June 26.)
(Extract.) *Innsbruck, June 18, 1848.*

I HAVE heard from good authority, that Marshal Radetzky, after providing for the necessary garrisons, has a force of 30,000 men, and that the Piedmontese amounts to 50,000.

These armies each of them occupy an extremely strong position, and are supposed at present to be unattackable with any fair prospect of success for the assailants. Radetzky has demanded a supply of 25,000 men, and promises with that increase to compel the enemy to make peace. It appears that the Austrian Government will not send the reinforcements. The pecuniary difficulty, were there no other, would prevent it; for at Vienna, they pay 20,000 workmen every day for doing no work, but for the purpose of keeping that part of the population quiet.

I informed your Lordship some time ago, that Baron Wessenberg told me he had sent full powers to Marshal Radetzky to make an armistice. The Baron ought to have said that he had sent orders to the Marshal to propose an armistice. The Marshal has remonstrated against that mode of proceeding, saying that his own position is inexpugnable; and that time must operate greatly and quickly in favour of peace, by the heavy expense which falls upon the Italians, and which is already the cause of much discontent and murmuring.

I have endeavoured to obtain a renewal and pursuit of the measure of your Lordship's mediation under such terms, and by such means as might enable you to succeed in procuring peace; and I have proposed sending to your Lordship some one authorized to learn at Paris the views of the French Government, and to proceed from Paris to London.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 498.—*Viscount Ponsonby to Visc'. Palmerston.*—(Rec. June 26.)
(Extract.) *Innsbruck, June 19, 1848.*

BARON WESSENBERG called on me this morning. He told me that the Milanese had formally offered the union of Lombardy with

Piedmont; that King Charles Albert replied that he would communicate the facts to his Government at Turin, and that he did not doubt of the satisfaction which would be there felt. I took occasion to renew the expression of my opinion that Her Majesty's Government might be useful in bringing about a settlement which would produce peace. He asked what the British Government was doing. I said, "waiting for some reply from you to Lord Palmerston's last communication."

Viscount Palmerston, G.C.B.

PONSONBY.

No. 499.—Viscount Ponsonby to Visc^t. Palmerston.—(Rec. June 26.)

MY LORD,

Innsbruck, June 19, 1848.

PRINCE FELIX SCHWARZENBERG, who received a sharp wound at the late engagement, has been sent here to give an account of the military affairs in Italy. His report shows things in a more favourable light for the Austrians than was expected, and the Ministers here will combine when they reach Vienna, in 3 or 4 days, the measures necessary or fit to be taken under existing circumstances. As it is, 10,000 men are already on their route to join Radetzky, and I am informed that 15,000 more can be sent. With the 55,000 men which Radetzky would have upon the junction with him of these 15,000, he is confident in his being able to obtain very great advantages over Charles Albert. I think the Austrians will try their fortune. If their expectations are realized, their condition will, they think, be extremely improved, and peace may be made upon better terms than can now be had; if they fail, they think they shall not even then be much worse as to peace than they would be were it concluded. The question of whether or not the plan of Radetzky is to be adopted will be resolved at the time I have mentioned.

I think that if any part of the events and results expected by the Austrians should not take place, they will immediately send to your Lordship through Paris, as I have before mentioned.

I have, &c.

Viscount Palmerston, G.C.B.

PONSONBY.

No. 501.—Baron Wessenberg to Count Dietrichstein.—(Communicated to Viscount Palmerston by Count Dietrichstein.)

(Extract.)

Innsbruck, le 16 Juin, 1848.

M. DE HUMMELAUER est arrivé ici il y a 3 jours. Le résultat de sa mission ne nous laisse aucun espoir pour un appui direct du Gouvernement Anglais dans la Question Italienne, et les explications que viennent de donner les Ministres dans les 2 Chambres en effacent toute perspective. Néanmoins nous sommes trop habitués à la bienveillance du Gouvernement Anglais pour ne pas nous flatter encore qu'elle saisira toute occasion où elle pourra, sans compro-

mettre ses intérêts, exercer son influence en notre faveur dans l'affaire en question, ne fut-ce que pour appuyer les conditions que nous devons mettre à une transaction avec la Lombardie.

Entretems, le Gouvernement Français a fait une démarche auprès de nous par l'organe de son Chargé d'Affaires à Vienne, M. de la Cour.

Avec la démarche du Chargé d'Affaires de France a coïncidé l'arrivée de Mgr. Morichini, chargé d'une mission particulière auprès de Sa Majesté l'Empereur. Cette mission n'est à ce qu'il paraît qu'une démonstration qui a été imposée au Saint Père par le parti dominant à Rome. Mgr. Morichini est chargé d'employer tous les moyens de persuasion auprès de Sa Majesté pour l'engager à une prompte pacification, et d'exposer en même temps que celle-ci serait impossible si l'Empereur ne consentait à l'abandon de toutes ses provinces Italiennes contre quelque indemnité pécuniaire. Une pareille démarche a le caractère de la dérision.

J'engage votre Excellence à donner lecture de cette dépêche au Principal Secrétaire d'Etat.

M. le Comte Dietrichstein.

WESSENBERG.

No. 502.—Consul-General Dawkins to Viscount Palmerston.

(Received June 27.)

MY LORD,

Venice, June 18, 1848.

I TRANSMIT to your Lordship herewith a copy and translation of a note which I have received from the Provisional Government of Venice, in answer to the note which I addressed to Signor Manin respecting the blockade of Trieste, which I inclosed in my despatch of the 14th instant.

The Austrians are now in possession of Padua and Treviso, in fact of the whole of the mainland up to the shores of the Lagune.

Padua made no resistance whatever, but gave up on the first summons. Treviso made a show of resistance, but very soon capitulated. Venice is now full of free corps from every part of Italy.

I have, &c.

Viscount Palmerston, G.C.B.

CLINTON G. DAWKINS.

(Inclosure.)—Signor Manin to Consul-General Dawkins.

SIR,

(Translation.) Venice, June 15, 1848.

THE Provisional Government acknowledges the reception of your note of yesterday's date, and thanks you for your intimation that you will transmit to your Government the papers relating to the blockade of the city and port of Trieste.

With respect to the observations which you have been pleased to make upon one of the paragraphs in the letter from Admirals

Albini and Bua, the Provisional Government has the honour to assure you that proper attention shall be given to them.

Receive, &c.

By the Provisional Government of the Republic of Venice.

J. ZENNARI, *Secretary*.

MANIN, *President*.

J. PINCHERLE.

Consul-General Dawkins.

No. 503.—The Hon. R. Abercromby to Viscount Palmerston.

(Received June 28.)

MY LORD,

Turin, June 21, 1848.

HER Majesty's Consul-General at Venice having communicated to me a copy of the declaration published on the 11th instant by Admirals Albini and Bua, commanding the naval squadron of Sardinia and Venice before the port of Trieste, by which those officers declare the town and port of Trieste to be in a state of blockade from the 15th instant, for vessels under the Austrian flag, and from the 15th July for vessels of all other nations; and also copy of the notice of the same date, addressed by the above-mentioned Admirals to the Consuls of foreign nations resident at Trieste, as to the possibility of hostile operations being undertaken during the blockade against the town of Trieste, I considered it my duty to seek an interview with the Marquis Pareto, but which his duties in the Chamber of Deputies prevented him from granting me before last night.

I stated to the Sardinian Minister for Foreign Affairs that my desire to see him arose from a communication I had received from Her Majesty's Consul-General at Venice, with regard to the contents of a paragraph in a notice sent by the Italian Admiral commanding off Trieste to the foreign Consuls residing at that port, from which it was feared that the Italian naval squadrons were likely to attack the town and port of Trieste; and I remarked to him the serious consequences that might follow the adoption of such a course, and how gravely the affairs of Italy and the position of Sardinia might be complicated by a proceeding that might call forth against her the energies and resources of the German Confederation.

I said to the Marquis that the declaration with which the Sardinian Government had commenced the war, that it was not their intention to excite hostilities at sea, or to impede commerce, had been generally applauded; that I willingly gave Admiral Albini every credit for his forbearance in not returning the fire of the forts of Trieste on the night of the 6th instant; and that I hoped I should receive an assurance that the same forbearance would be continued, and that the fears which the letter of the Italian Admirals had raised were unfounded. I should not be just to the Marquis Pareto were

I not to declare that he fully admitted the great increase of difficulty that an attack upon a town belonging to the German Confederation might create to the Italian cause, and the great importance of avoiding, if possible, all additional embarrassment on that score.

The Marquis informed me that the forts of Trieste had opened their fire on the Sardinian Admiral's ship in consequence of the current having set him in nearer to the shore than he had intended when coming to anchor, but that, notwithstanding this unprovoked attack, he had not fired a shot in return; and that the Italian Admirals entertained in general the most moderate views with respect to the execution of their duties.

It would appear from the information given to me yesterday evening by the Marquis Pareto, that according to his latest accounts from the squadron, the commanding officers of the English and French vessels of war at Trieste had made some overtures to Admiral Albini for raising the blockade of Trieste, provided certain Venetian vessels claimed by him were given up to him by the Austrian authorities, but without their crews: and that Admiral Albini in reply had told those officers that he was ready to accept any reasonable proposals that might be made to him to that effect.

This negotiation had not terminated when the last letters from the Admiral were dispatched, and it is to be hoped that since then it may have been conducted to a successful termination, and that all fears of an attack upon Trieste may have been removed.

The Sardinian Admiral had already consented to allow the vessels belonging to the Austrian Lloyd's to enjoy free passage, provided they were not employed for the transport of warlike stores or troops, and confined themselves to mercantile operations and to the carrying of passengers.

This permission appears, however, to have been abused, for a Lloyd's vessel being visited was found to have warlike stores on board, and was consequently ordered to return.

I did not fail to urge upon the Marquis Pareto as strongly as I could the expediency of abstaining from any attack upon the town of Trieste; and as he could not deny the embarrassment that any dispute with the German Confederation would occasion to the Italian cause, I am in hopes that such orders will be sent to Admiral Albini as may prevent any unfortunate collision.

I have nevertheless thought it right to transmit in the inclosed note to the Marquis Pareto, a copy of Mr. Dawkins' communication to the Provisional Government of Venice.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

(*Inclosure.*)—*The Hon. R. Abercromby to the Marquis Pareto.*

M. LE MARQUIS,

Turin, June 21, 1848.

THE inclosed copy of a note addressed by Her Britannic Majesty's Consul-General to the Lombardo-Venetian Provinces and for the port of Trieste to the Provisional Government of Venice, being a reply on his part, as far as his jurisdiction extended, to the communication made to him by Admirals Albin and Bua, commanding the united naval squadrons of Sardinia and Venice before the port of Trieste, I think it right to communicate it also to you, for the information of His Sardinian Majesty's Government, although the conversation which we had together yesterday evening upon the subject to which the inclosed note of Mr. Dawkins refers, gives me every hope that the fears which the communication of Admirals Albin and Bua was calculated to excite, of an intention on the part of those officers to undertake hostile operations against the town and port of Trieste, will prove to be unfounded; and that the Government of His Sardinian Majesty, adhering to their generous and humane declaration at the commencement of the war, not to carry on hostilities by sea, or to impede the progress of maritime commerce, will in addition, by refraining from any attack upon the town and port of Trieste, avoid the evils which must result therefrom to the commercial interests of all nations, the embarrassments which might be created for Sardinia by such a proceeding, and the complications which might reasonably be expected to follow an act of hostility against the German Confederation.

I have, &c.

Marquis Pareto.

RA ABERCROMBY.

No. 504.—The Hon. R. Abercromby to Viscount Palmerston.

(*Received June 28.*)

MY LORD,

Turin, June 22, 1848.

THE following financial measures have been proposed by the Count de Revel, Minister of Finance, for the approbation of the Sardinian Parliament.

These measures are intended to procure for the Sardinian Government pecuniary resources for the extraordinary expenses occasioned by the war.

A loan for 12,000,000 francs, guaranteed by mortgage on the estates belonging to the Order of St. Maurice and St. Lazarus, estimated to value 60,000,000.

A tax on house-rent and rent on apartments, estimated to produce 13,000,000 francs.

A tax on land-rent, estimated to produce 7,000,000 francs.

A tax on salaries, estimated to produce 3,000,000 francs.

Sale of rents belonging to the Government, estimated to produce 7,000,000 francs.

There is, besides, still remaining on the reserved fund 8,000,000 francs, which, added to the sums now proposed to be raised, will place 50,000,000 francs at the disposal of the Government.

The monthly expenditure for the army, and for the necessities of the war, is calculated to amount to about 5,500,000 francs per month; and allowing for an increase in the effective force of the army, it is reckoned that sufficient money will thus be provided to cover the expenses of the war for the next 6 or 7 months.

I have, &c.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 505.—Viscount Palmerston to the Hon. R. Abercromby.
(Extract.) *Foreign Office, June 28, 1848.*

It appears from the latest accounts received from Innspruck, that the Austrian Government have for the present given up the intention of employing the good offices of Great Britain for a negotiation with the people of Lombardy, and that the Imperial Cabinet means to enter into direct communication with the Provisional Government of Milan, and has with this view instructed Marshal Radetzky to propose an immediate armistice.

As Her Majesty's Government has not been asked to interfere in this negotiation, you will of course abstain from taking any part in it, except in as far as you may be invited to do so by the Piedmontese Government. But if the 2 parties should appear disposed to negotiate, with a desire that an armistice should be concluded, and you should find that you could be useful in smoothing any difficulties which may arise, you will not hesitate to do what you properly can for such a purpose.

It is not indeed very likely that the Italians will agree to an armistice unless accompanied by the proposal of an acceptable basis for a final settlement of the main questions at issue; because an armistice, unaccompanied by such a proposal, would probably be looked upon by the Italians as merely a means for enabling Marshal Radetzky to bring up his reinforcements; but that objection might be obviated by a stipulation that the reinforcements on both sides should be halted during the suspension of hostilities.

There is no doubt that the Austrians are prepared to offer acceptable terms to the people of Lombardy, and are willing to evacuate the whole of the country and to renounce all further claim upon it, provided the Lombards will consent to take upon themselves a fair proportion of the debt of the empire.

Such an arrangement would seem to be very desirable for the Lombards, who would be gainers by purchasing an immediate release

from the Austrian claims and a cessation of war, even at a considerable pecuniary sacrifice; and I have been told that it is likely that the people of Lombardy would be found ready to agree to very liberal terms in this respect.

The only difficulty as to a final settlement will probably be found to consist in the decision to be come to as the Venetian State, which Austria will want to keep, and which the Italians will insist upon having set free.

If this State could be left to Austria with the consent and goodwill of the people, and with a prospect of its being an useful possession to Austria, Her Majesty's Government, anxious for the well-being and strength of the Austrian Empire, would see such an arrangement with pleasure. But it is to be feared that the war has gone too far, and that the hostile feeling of race has spread too wide, and has sunk too deep, to allow such an arrangement to be any longer practicable.

Her Majesty's Government, as you are already aware, have declined opening a negotiation in the capacity of mediators on such a basis, because they thought the attempt would have no chance of success, and they did not like to propose a scheme which they had reason to believe was sure to be rejected by one of the parties.

If the Venetians themselves should manifest a disposition to conclude such an arrangement with Austria, and you could be useful as a negotiator between these 2 parties, you might take any steps with that view which any communication that you might receive from the Venetians might suggest.

You will be at liberty to go from Turin, if you should see occasion to do so, to any other place where your presence may, in your own opinion, be useful, with reference to the matters to which these and your other instructions relate.

The Hon. R. Abercromby.

PALMERSTON.

No. 506.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, June 28, 1848.

I HAVE to inform you that Her Majesty's Government approve of the language held by you to the Marquis of Pareto upon the subject of the attitude of the Italian squadrons off Trieste, as reported in your despatch of the 21st instant

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

No. 507.—Mr. Milbanke to Viscount Palmerston.—(Rec. June 28.)

MY LORD,

Munich, June 21, 1848.

INSTRUCTIONS have been sent to the Bavarian Minister at Turin, to make strong representations to the Sardinian Government on the

subject of the hostile attitude assumed at Trieste, both towards vessels leaving that port under German colours and towards the port itself, by the Sardinian fleet which now blockades it; and I believe M. d'Abel has been directed, in case the explanations given should not prove satisfactory, to demand his passports and leave Turin. I am not at present able to say with certainty, whether the step thus resolved upon was the result of a concert with other German Cabinets or not, but appearances have certainly indicated the prevalence of a general feeling of animosity against the Sardinian Government, ever since the blockade was established, and the public press in Bavaria has been active in fomenting it. Even the audience granted by the King to my Sardinian colleague for the purpose of presenting his new credentials, was sharply commented upon in the capital.

An interchange of communications took place some time ago between the Marquis Pallavicini and Count Bray, in which the former gave assurances intended to allay the suspicions which were then beginning to gain ground as to the probable designs of the Admiral in command. At that time Count Bray told me that circumstances might arise which would render the interposition of the Germanic Confederation a matter of duty and necessity, but he did not say to what extent that interposition would be carried.

I have, &c.

Viscount Palmerston, G.C.B.

J. R. MILBANKE.

No. 508.—Lord Napier to Viscount Palmerston.—(Received June 30.)

MY LORD,

Naples, June 20, 1848.

IN consequence of the spread of disaffection in Calabria, and the apparent consolidation of a kind of Provisional Government at Cosenza in that country, the Government of Naples have sent several detachments of troops by sea to act against the insurgents.

General Nunziante has conveyed one part of the force to Pizzo, from which he has marched to Montelone on the high road between Cosenza and Reggio, and to the south of the former while General Busacca landed at Maratea, from which he will be enabled to attain the same road to the north of Cosenza. The insurgents will thus, should the combination be effected, find themselves attacked in front and rear, in a territory so confined, as scarcely to allow of escape on the flanks.

I am still under the impression that the revolt in Calabria will be suppressed by the Royal forces, but the rebels have certainly obtained a stronger footing than was at first predicted, and they have devised some colour for their proceedings by pleading the arbitrary dissolution of the Chambers before they met, and they affect to be in arms merely for the defence of the constitution, the

integrity of Parliament, and of the rights conceded by the programme of M. Troja's Ministry now in part abrogated by the change of the Electoral Law.

I have, &c.

Viscount Palmerston, G.C.B.

NAPIER.

No. 509.—Lord Napier to Viscount Palmerston.—(Received June 30.)
(Extract.) *Naples, June 20, 1848.*

THE electoral colleges, contrary to the expectation of many persons, have actually met in the greater part of the provinces, and the elections as far as can be guessed at, have resulted either in the choice of the same members, who were sent to the first Parliament, irregularly dispersed, or persons of similar political opinions.

In a few cases, the electors have merely asserted the validity of their previous acts, declared their delegates already appointed, and abstained from repeating the formalities required.

Viscount Palmerston, G.C.B.

NAPIER.

No. 510.—Mr. Magenis to Viscount Palmerston.—(Received June 30.)
(Extract.) *Vienna, June 22, 1848.*

FREQUENT reproaches have for some days past been addressed to the Minister of War through the newspapers, for his apathy in conducting the war in Italy, and appeals made to him,—in some of which the regiments which could be spared were designated,—to send such reinforcements to Marshal Radetzky, as would put the Austrian army upon a numerical equality with their adversaries in Lombardy.

These newspaper articles have drawn forth the accompanying reply from the Minister of War, which I inclose in translation.

Great sympathy and interest are felt here for the Austrian troops in Italy, and the papers contain daily lists of patriotic gifts, in the shape of money, clothes, &c., which have been sent to the Ministry of War for their use.

Viscount Palmerston, G.C.B.

ARTHUR C. MAGENIS.

(Inclosure.)—*Reply of the Minister of War to reproaches of not conducting war in Italy with sufficient energy. (From the "Vienna Gazette" of June 21, 1848.)* (Translation.)

FOR some time past repeated demands have been addressed to the Minister of War through the public journals to send 20,000, nay even 40,000 men to reinforce our army in Italy. The patriotic writers of those articles cannot take for granted in a cheaper mode that the Minister of War is animated with a less ardent desire than themselves to place our brave army in Italy, by every means in his power, in a position to obtain decisive advantage against an enemy who has hitherto been our superior in numbers. These well-inten-

tioned counsellors may not, however, be exactly in a position to pass judgment on the means which the Minister of War has at his disposal for this object, nor are they acquainted with the obstacles which prevent him giving a destination which is certainly so much desired by all our troops to the regiments which they designate. According to the resolutions of the last Hungarian Diet, which since then have received a wider extension, the Minister of War can no longer dispose of the various troops in the Kingdom of Hungary, Transylvania, and the neighbouring countries, which form the military frontiers; he has even been obliged, in pursuance of an Imperial order, to send 2 regiments of hussars and 1 of infantry to Hungary, on account of the agitation which prevails there.

Recent events in Bohemia prevent likewise the breaking up of those troops which were ordered to proceed from thence to Italy; while the Government has deemed it expedient to maintain larger garrisons in another province (Gallicia) than is customary in peaceable times.

The not yet regulated march of affairs, which has manifested itself more or less everywhere, has exercised a prejudicial influence on the warlike preparations; as well as the stagnation of many commercial and industrial establishments has further necessitated, on the pressing representations of the Provisional Governments, leaving the troops required in every province for the maintenance of security.

These circumstances will convince the reflecting and reasonable authors of such articles, that it is easier to find fault than to prove the justice of their complaints. The augmentation of our army actually in progress (by the formation of reserve battalions, by which means such reinforcements will shortly be sent to our army in Italy as its glorious leader himself proposed), may serve to comfort all parties. Our last successes have diminished, for the period of 3 months, the force of our enemy by 22,000, namely, the garrisons of Vicenza and Treviso, which, according to the capitulations, are to retire beyond the Po. The Field-Marshal himself does not estimate the enemy higher than 60,000, consequently not nearly so high as our esteemed friends of their country, who do not cease to complain of the Ministry of War, and who do not take into consideration the present circumstances of the empire, which are totally different from those during our last war with France.

This is the reply of the Minister of War to all the interpellations addressed to him. He is prepared at every moment to justify his conduct to the proper authorities; he does not, however, think it necessary to come into the lists upon every isolated complaint.

THE MINISTER OF WAR.

No. 512.—The Hon. R. Abercromby to Visc^t. Palmerston.—(Rec. May 30.)
 (Extract.) *Turin, May 22, 1848.*

I HAD more than once been urged to endeavour, if possible, to assist this country in getting safely through the complicated position in which she stands. I considered what it might be possible and safe to do, because at the present moment there is such a jealousy of England, and belief among the public in her desire to support Austria against the Italians, that much caution is necessary not to do more harm than good. It seemed to me, after the unsatisfactory reception which our proposals for an armistice had met with here, that the only way in which England could really serve the Italians, was by her representations at Vienna, for there and in Germany the question of Italian independence will practically be decided. But to enable England to do so with effect, it was necessary to discover whether the Sardinian Government were disposed to listen to negotiations. For this purpose, I sounded ———, as being likely to be reasonable in their opinions. I stated to both of them that I spoke entirely on my own responsibility; that I took this step from a sincere desire to render every assistance in my power towards a termination of the present war, and to help to ward off the dangers which a continuance of it was likely to entail; but that I must, in the first place, know what would be the opinion of the Government with regard to a settlement of the dispute by way of negotiation instead of by the sword.

Both of them concurred in the desire to see the objects for which the war was originally commenced terminated by negotiation, and that speedily, rather than prolong the period of hostilities; but they both agreed in stating that nothing short of the complete evacuation of the Italian territory by Austria would satisfy the Italians. I cannot say that in this opinion they are unsupported, for I believe that any Italian Government attempting to negotiate with Austria upon other terms, would be looked upon and treated by the rest of Italy as traitors to the cause.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 514.—The Hon. R. Abercromby to Visc^t. Palmerston.—(Rec. June 30.)
 (Extract.) *Turin, June 13, 1848.*

THE Lombard deputation returns to Milan to-morrow or next day. The Provisional Government will resign in a few days, and commissioners, appointed by the King, will be sent to reside at Milan, and to conduct public affairs until the uniform system of administration shall have been established by the Constituent Assembly. 50,000 men have been voted in Lombardy for the service of the army, 25,000 of which are nearly organized, armed, and equipped, and will form part of the reserve now collecting on the Adda.

An extraordinary contribution of 25,000,000 livres has also been decreed in Lombardy, and will commence to be levied on the 1st July. The Provisional Government reserve to themselves the right of being consulted with regard to any extraordinary law that may be required to be passed in consequence of any unforeseen emergency. In all other respects they will cease to act in a few days. It is thought that the Constituent Assembly may be able to meet on the 1st of August, and that in 2 months from that time they may have terminated their labours.

I cannot find out the details of M. Morichini's instructions. In substance they are, I believe, such as I have described them, namely, complete evacuation of Italy by the Austrians, as the basis of the negotiation, with an offer of a financial arrangement for the benefit of Austria, and possibly the concession of commercial advantages to the Austrians.

Radetzky has moved in the direction of Vicenza. Some people say it is a retreat; and as he is said to be accompanied by the whole of his staff, and the Archduke is still with the army, it is possible that it may be so. The King is about to cross the Adige, and to enter the Venetian territory.

I took occasion, in consequence of some rumours that I had heard, to warn the Marquis Pareto of the serious danger there would be in allowing any act of hostility to be committed against the territory of the German Confederation; and I told him that any attempt to capture the Austrian ships in the waters of Trieste might at once have the effect of bringing the troops of the Confederation upon the Piedmontese army. His reply was perfectly satisfactory; and I hope that all risk of such a complication is at an end.

Viscount Palmerston, G.C.B.

RA. ABERCROMBY.

No. 515.—Viscount Palmerston to the Hon. R. Abercromby.

SIR,

Foreign Office, June 30, 1848.

I HAVE to remind you of the assurances given to you by the Marquis Pareto, and reported in your despatch of the 7th instant, "that no measure such as the bombardment of Trieste had been ordered by the Government of His Sardinian Majesty, nor would such an act of hostility be attempted by the officers commanding the Italian naval squadrons before the port of Trieste;" and I have to inform you that, when the Representatives of Germany have of late spoken to me on this subject, I have stated to them that such promise had been made to Her Majesty's Government.

I am, &c.

The Hon. R. Abercromby.

PALMERSTON.

TREATY between Prussia, Bavaria, Saxony, Wirtemberg, Hesse Cassel, Hesse Darmstadt, and the States forming the Thuringian Union on the one part, and Baden on the other part, for the Accession of the Grand Duchy of Baden to the German Customs Union.—Signed at Berlin, May 12, 1835.

(Translation.)

HIS ROYAL HIGHNESS the Grand Duke of Baden, having adopted the principles of the Union of Customs and Commerce formed by Prussia, Bavaria, Saxony, Wirtemberg, the Electorate of Hesse, the Grand Duchy of Hesse, and the Governments forming the Thuringian Union, and having declared his resolution to enter into the said Union, the following Plenipotentiaries have been appointed by the respective Governments in order to carry out the necessary negotiations for that purpose. That is to say, on the one side :

On the part of His Majesty the King of Prussia, for himself, and as representing the Kingdom of Saxony and the States belonging to the Thuringian Customs' Union :

Albert, Count of Alvensleben, his Chamberlain, actual Privy Counsellor and Chief *ad interim* of the Ministry of Finance, Knight of the Royal Prussian Order of the Red Eagle, third class, with the loop; of the Order of St. John, and Commander of the Royal Hungarian Order of St. Stephen; and

Albert Frederick Eichhorn, his actual Privy Counsellor of Legation, and Director in the Ministry of Foreign Affairs; Knight of the Royal Prussian Order of the Red Eagle, second class; Holder of the Iron Cross, second class with the White Ribband; Knight of the Imperial Russian Order of St. Anne, second class; Commander of the Royal Bavarian Order of Civil Merit; of the Royal Saxon Order of Civil Merit; Commander of the Royal Hanoverian Guelphic Order, and of the Order of the Royal Crown of Wirtemberg; Commander, first class, of the Order of the Golden Lion of the Electorate of Hesse; and of the Order of Louis of the Grand Duchy of Hesse; Grand Cross of the Order of the White Falcon of the Grand Ducal House of Saxony.

On the part of His Majesty the King of Bavaria :

Frederick Christian John, Count of Luxburg, his Chamberlain, Counsellor of State, Envoy Extraordinary and Minister Plenipotentiary to the Courts of Prussia and Saxony, as well as to the Courts of the Grand Duchies, and Duchies of Saxony; Grand Cross of the Royal Bavarian Order of Civil Merit; Knight of the Royal Prussian Order of the Red Eagle, first class; Grand Cross of the Royal Order of Civil Merit of Saxony; Knight of the Royal Order of Frederick of

Wirtemberg; and Grand Cross of the Order of the White Falcon of the Grand Ducal House of Saxony.

On the part of His Majesty the King of Wirtemberg:

Francis a Paula, Baron of Linden, his Chamberlain, Counsellor of Legation, *Chargé d'Affaires* at the Royal Court of Prussia; Knight of the Order of the Royal Crown of Wirtemberg; Knight of the Royal Bavarian Order of Civil Merit; Commander of the Order of the White Falcon of the Grand-Ducal House of Saxony; and

Philip Gustavus Hauber, his Councillor of Finance, Knight of the Royal Prussian Order of the Red Eagle, third class; Knight, first class, of the Grand-Ducal Hessian Order of Louis.

On the part of His Highness the Prince Elector and Co-Regent of Hesse:

Charles Frederick of Wilkens-Hohenau, his actual Privy Counsellor of Legation; Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia; Commander of the Order of the Golden Lion of the Electorate of Hesse; Knight of the Royal Prussian Order of the Red Eagle, third class; and of the Royal Prussian Order of St. John; Commander, first class, of the Grand-Ducal Hessian Order of Louis; Commander of the Order of the White Falcon of the Grand-Ducal House of Saxony; and

Henry Theodor Lewis Schwedes, his actual Privy Chief-Counsellor of Mines; Knight of the Order of the Golden Lion of the Electoral House of Hesse, and Commander of the Order of the White Falcon of the Grand-Ducal House of Saxony.

On the part of His Royal Highness the Grand Duke of Hesse:

Frederick Ferdinand William, Baron Schäffer of Bernstein, his Chamberlain, Major and Flank-Adjutant, *Chargé d'Affaires* at the Royal Court of Prussia; Commander, second class, of the Order of the Grand-Ducal House of Hesse; Holder of the Insignia of Honour for Military Service; Knight of the Imperial Austrian Order of Leopold; of the Royal French Legion of Honour; the Royal Hanoverian Guelphic-Order; and the Royal Wirtemberg Order of Military Merit; and

Henry Lewis Biersack, his Chief Counsellor of Finance; Knight, first class, of the Grand-Ducal Hessian Order of Louis; Knight of the Royal Prussian Order of the Red Eagle, third class; the Royal Bavarian Order of Civil Merit; and of the Order of the Royal Crown of Wirtemberg. And on the other side:

On the part of His Royal Highness the Grand Duke of Baden:

William Philip Gossweyler, his Privy Referendary; and

Charles Lewis Henry of Frankenberg Ludwigsdorff, his Major and Flank-Adjutant; *Chargé d'Affaires* at the Royal Court of Prussia; Knight of the Charles-Frederick Order of Merit of the Grand Duke of Baden; of the Order of the Zähringian Lion; Holder of the Cross

of Distinction in Military Service; Knight of the Royal Prussian Order of St. John; and of the Imperial Russian Order of St. Wladimir, fourth class, with loop.

Between whom, the said Plenipotentiaries, the following Treaty has been concluded, subject to ratification :

ART. I. The Grand Duchy of Baden accedes to the Union formed by the kingdoms of Prussia, Bavaria, Saxony, and Wirtemberg, the Electorate of Hesse, the Grand Duchy of Hesse, and the United Thuringian States for the establishment of a common system of customs and commerce, and on the basis of the Treaties concluded for this purpose under date of 22nd and 30th of March, and 11th of May, 1833, on the understanding that the said Treaties, with such modifications as have been agreed upon on account of peculiar circumstances, shall be applied also to the Grand Duchy of Baden, and that the latter State, on consenting to submit to equal obligations, shall participate likewise in the same rights as the other States of the Union.

The stipulations of the said Treaties, together with the modifications, are contained in the following Articles.

II. In this collective Union are also especially included those States which have previously joined the system of customs and commerce of one or other of the Contracting States, either with their whole territory or with part of it, due regard being had to their special relations to those States with which they have concluded Treaties of Accession.

III. But those particular parts of the Contracting States which are not, on account of their position, suitable for admission into the collective union, remain for the present excluded therefrom.

Those regulations, however, which now exist relative to the facilities of commercial intercourse between such parts and the principal territory will be maintained.

Any further concessions of this nature can be granted only by joint consent of the Members of the Union.

IV. Corresponding laws relative to import, export, and transit duties shall prevail within the dominions of the Contracting States, but with such modifications as are not prejudicial to the common interests, and which from peculiarities in the general legislation of any one of the participating States, or in consequence of local interests, may appear necessary.

With reference however to import and export duties on certain special articles less adapted for commercial traffic on a larger scale, and with reference to transit duties in cases where the course of the commercial roads may require it, such deviations from the generally adopted rates as may appear peculiarly desirable to particular States, shall not be excluded from the Customs' tariff, provided that they do not operate injuriously on the general interests of the Union.

In like manner the administration of the import, export, and transit duties, and the organization of the requisite authorities in all the countries of the General Union, shall be put on an equal footing, with due regard however to the peculiar circumstances existing in such countries.

V. Alterations in the Customs' Laws, including the Customs' Tariff and the Customs' Regulations, as well as additions to and exceptions from them, can be effected only in the same manner as the introduction of the laws, and with the like consent of all the Members of the General Union.

The same rule also applies to all regulations involving a general change in the arrangements relative to the administration of the Customs.

VI. From the date of the execution of the present Treaty, freedom of commerce and intercourse, and at the same time a common interest in the Customs' revenues, shall commence between the Contracting States of the Union and the Grand Duchy of Baden, as stipulated in the following Articles.

VII. From the said date all import, export, and transit duties shall be abolished on the common boundaries of the States hitherto forming the Customs' Union, and of the Grand Duchy of Baden, and all articles which are already free to pass to and fro in the one territory shall reciprocally be imported free and without restriction into the other territory, with the following exceptions only :

a. Such articles as belong to the State monopolies (playing cards and salt), in accordance with §§ 9 and 10.

b. Articles of home production upon which at present either duties of different amount are levied within the Contracting States, or which are exempt from duty in one State but not in another, and which are therefore subject to an equalizing duty, according to § 11. And, lastly,

c. Articles which cannot be imitated or imported without infringing the patents of invention or the privileges granted by one of the Contracting States, and which therefore must remain excluded from importation into the State which has granted them during the continuance of the patents or privileges.

VIII. Without prejudice to the freedom of commerce and to the exemption from duties settled in § 7, the transport of those articles of commerce which, according to the common tariff, are subject to an import or export duty on the external boundaries, and from the territories of the Kingdom of Bavaria, the Kingdom of Wirtemberg, and the Grand Duchy of Baden, into the territories of the King of Prussia, the King of Saxony, the Elector of Hesse, and of the Grand Duke of Hesse, as well as into the territory of the Thuringian Union, and *vice versa*, shall take place only on the usual roads and highways and upon

the navigable rivers; and there shall be established on the intermediate boundaries common station houses, where the carriers of goods, upon presentation of their freight-letters and transport warrants, shall report the goods which are to be conveyed from one territory into the other.

The preceding stipulations shall not apply to the traffic in raw products in smaller quantities, nor in any case to the minor traffic on the frontiers and at the town markets, nor to the luggage of travellers, neither shall any kind of examination of merchandize take place, except so far as may be necessary to ensure the payment of the Differential Duty (§ 7, c).

IX. Respecting the importation of playing cards, the existing laws of prohibition or restriction in the Contracting States of the Union remain in force. ♦

X. Respecting salt, the Government of the Grand Duchy of Baden accedes to the arrangements made by the Contracting Governments of the Union as follows:

a. The importation of salt, and of all substances, from which culinary salt is usually extracted, from foreign countries not belonging to the Union, into the States of the Union, is prohibited, unless it be on the special account of one of the confederated Governments, and for the purpose of immediate sale in their salt offices, factories, or depôts.

b. The transit of salt, and of the above-mentioned substances, from countries not belonging to the Union, into other countries similarly situated, shall take place only with the consent of those States of the Union whose territory is to be passed in the transit, and under such measures of precaution as they may think necessary to enforce.

c. The exportation of salt into foreign countries, not belonging to the Union, is free.

d. With respect to the trade in salt within the States of the Union, the importation of that article from one State into another shall be allowed only in case of special Treaties to that effect existing between the respective Governments.

e. If one Government should desire to import salt from another Government within the general Union, either from the public or from private salt works, such transmission of salt must be accompanied by pass-warrants issued by the public authorities.

f. If a State of the Union desires to import its supply of salt through the medium of another such State, either from abroad or from a third State of the Union, or if the first State desires to export salt through the same channel into foreign countries not belonging to the Union, no impediment shall be offered thereto; but, so far as no regulations on this point shall have been adopted by previous Conventions between the States concerned, the roads for the transport,

and the requisite measures of precaution for the prevention of smuggling, shall be agreed upon.

g. If there should be such a disparity between the prices of salt in the Grand Duchy of Baden and in one of the adjacent States of the Union that danger of the smuggling of salt would probably arise for one or the other of those States, the Governments thus concerned will agree upon measures to avoid this danger, as much as possible, without causing impediments to the free circulation of other goods.

XI. With reference to those productions respecting which a difference of legislation still exists among the various States of the Union with regard to the imposts laid on them in the interior (§ 7, *b*), the Grand Ducal Government of Baden also acknowledges it to be desirable that a uniformity in the legislation and in the Customs' tariffs of such imports should be established, and the said Government will exert itself to accomplish this object. Until this end has been attained, and in order to avoid the disadvantages which might result from an unequal scale of imposts to the manufacturers of its own State, in relation to the manufacturers in other States of the Union, supplementary or differential duties may be levied upon the following articles:

A. In the States which hitherto formed the Union.

a. On beer, spirits, tobacco, must, and wine, in the kingdom of Prussia.

b. On beer, spirits, bruised malt, in the kingdom of Bavaria (exclusive, for the present, of the Rhenish circle).

c. On beer, spirits, tobacco, must, and wine, in the kingdom of Saxony.

d. On beer, spirits, and bruised malt, in the kingdom of Wirtemberg.

e. On beer, spirits, tobacco, must, and wine, in the Electorate of Hesse.

f. On beer, in the Grand Duchy of Hesse.

g. On beer, spirits, tobacco, must, and wine, in the States belonging to the Thuringian Union.

B. In the Grand Duchy of Baden.

On beer:

The said duties shall be fixed and levied, according to the following principles:

(1.) The differential duties shall be estimated by the difference between the legal duties in the country of destination and those to which the same article is subject in the country of its origin, and consequently such duties will be inoperative with reference to those countries of the Union where the same production is subject to an equally high or to a higher duty.

(2.) Any alterations which are made in the duties upon home productions of the States respectively concerned shall also be fol-

lowed by alterations in the differential duties, but constantly with the application of the principle previously established in § 1.

If, in consequence of such an alteration, any differential duty would have to be increased, and in case such an increase be actually demanded, a negotiation on this point must previously take place between the States concerned, and sufficient proof must be given of the admissibility of the increase, according to the stipulations of the present Treaty.

(3.) The duty Tariffs at present legally existing in Prussia on must, and wine of home growth, on the cultivation of tobacco, and on spirits, as well as the duty at present existing in Bavaria on bruised home-grown malt, and on beer (malt tax), shall in every case form the highest rate of differential duties which it is permitted to raise on the importation of the above articles from a country where no duty is levied on the same productions, into any State of the Union where such duty has been or may in future be introduced; even if the duty in question, levied in the State which receives the compensation duty, should exceed the highest rate fixed.

(4.) No return of inland duties shall be granted on the transport of duty-paid articles into another country of the Union, unless the adjacent States thus interested shall have agreed upon exceptions from this principle, on account of peculiar local circumstances.

(5.) Under no circumstances shall differential duties be imposed upon any other products than beer and malt, spirits, tobacco-leaves, must and wine.

(6.) In all the States in which a differential duty is levied on tobacco, must, and wine, no further imposts of any kind on these products shall in any case be retained or introduced, either on account of the States or on account of the communes.

(7.) Articles proved in the manner prescribed in the Customs' Regulations to be foreign import or transit goods, and which, as such, have already been, or are still, under official cognisance at some Custom-House of the Union, and also those articles produced within the boundaries of the Union which are passing on transit only through a State of the Union, in order to be exported either into another such State, or into foreign countries, shall not be subject to differential duties.

(8.) The differential duty shall be for the benefit of that State into which the consignment is being sent; should it not have been previously levied in the exporting country, on account of the State entitled thereto, it shall be levied in the territory of this latter.

(9.) In each of the contracting States certain arrangements shall be adopted for levying the differential duty in that State of the Union from which the consignment takes place, either at the place from whence the goods are sent off, or else at the nearest and most con-

veniently situated Customs' office, or where payment of such duties can be ensured by proper notice.

(10.) Until such arrangements shall have been adopted by special agreement, the traffic in articles subject to a differential duty shall be in so far restricted, that they must, without distinction as to the quantities transported, be imported into the territory of the State entitled to such duty, upon such roads only as are stated in § 8, or as may be further defined elsewhere; and at the Customs-Houses which are to be established there, such goods must be respectively reported, or duty be paid on them; without however on this account subjecting the transport of goods, on which no differential duty is to be levied, to any further supervision than that which is prescribed in the before-mentioned Article.

XII. With regard to the excise levied within the dominions of the Union upon other articles than those which are mentioned in § 11, or upon the same articles in those countries where no differential duty is levied upon them, a reciprocity of treatment shall be observed as well by the Contracting States of the Union as by the Grand Duchy of Baden, in such manner, that the productions of any one State of the Union shall on no account be more heavily taxed in another State than the productions of that State itself.

The same principle shall also apply to additional tolls and excise levied on account of single communes: provided that this kind of impost be not altogether inadmissible, according to the stipulation No. 6 in § 11.

XIII. Highway or other similar dues, as well as paving and dyke rates, bridge and ferry tolls, or under whatever denominations such dues may exist, and without difference whether they be levied on account of the State or in virtue of private rights, for example those of a commune, shall be respectively maintained, or new ones introduced, whether for causeways or other ways, high roads, or communication roads, only to such an amount as may be proportionate to the usual expenses of the construction and maintenance thereof.

The highway-dues at present existing in Prussia, according to the general Tariff of the year 1828, shall be regarded as the highest rate, and shall not henceforth be exceeded in any one of the Contracting States.

Special charges for town-gate dues and for paving on causeways shall be abolished wherever they may still exist, according to the preceding principle; and the local paving dues shall be included in the tracts of the high roads or causeways in such manner that the highway-dues alone shall be levied according to the general Tariff.

XIV. The Contracting Parties will take measures to bring into operation a common system of moneys, measures, and weights, and they will cause special negotiations to be forthwith opened for this purpose.

The Grand Duchy of Baden accedes to the Convention already existing among the members of the Union, according to which the Hessian hundred-weight, or quintal, which is equal to the quintal of the Grand Duchy of Baden, and to one-half quintal in Rhenish Bavaria (50 kilogrammes), has been adopted as a standard for the common Customs' weight; consequently, the entry, weighing, and clearing at the Customs of all goods chargeable by weight, shall be made exclusively after the standard already legally established in Baden.

The entry, as well as the admeasurement and clearing at the Customs, of articles chargeable by measurement, shall take place there in the legal admeasurement of the country, until a common standard of admeasurement shall also have been agreed upon. To facilitate the transmission of goods, and for the readier dispatch of such consignments at the Customs' stations the Government of the Grand Duchy of Baden will publish officially for use at the Customs' offices in the Grand Duchy of Baden as well as for the commercial public generally, a comparative statement of the weights and measures which have been adopted in the tariffs of the other contracting States. Until the latter shall have agreed upon a common system of coinage, the payment of the Customs' duties in the Grand Duchy of Baden shall be made according to usage in the other States of the Union, and in such currency as the payment of any other home contribution or taxes is made there.

The gold and silver coins, however, of all the contracting States, with the exception of the small coinage, shall meanwhile be received at all the Customs' stations of the general Union, and without any distinction, from all persons who have to make payments; and for this purpose the valuation Tables, in respect of which an agreement has already been made among the members hitherto forming the Union, shall be published in the Grand Duchy of Baden, and *vice versâ*, the valuation of the coins of the Grand Duchy of Baden, computed according to those Tables shall be published in the other States of the Union.

XV. The water tolls on rivers, or way fees, including such dues as are chargeable on the body of the vessel (recognition fees), shall continue to be levied in future on those rivers to which the stipulations of the Act of the Congress of Vienna, or special State Treaties apply, provided that no other special arrangements shall be made on this point.

In respect to this latter point, and more especially in regard to the Rhine and its tributary rivers, the States of the Union which are concerned in the navigation of these rivers, will enter without delay into negotiations, in order to conclude an agreement, by virtue of which the importation, exportation, and transit, on the said rivers, of the produce of all the countries of the Union, shall be (though with a constant reservation of the recognition fees), if not entirely freed, at least relieved as much as possible from navigation dues.

Every concession granted by a State of the Union to the naviga-

tion of its own subjects upon the above-mentioned rivers, shall in like manner be conceded to the navigation of the subjects of the other States of the Union.

Upon the other rivers, to which neither the Act of the Congress of Vienna, nor any other public Treaties of State apply, the river dues shall be levied according to the private regulations of the respective Governments concerned; but the subjects of the Contracting States, and their goods and craft, shall likewise invariably be treated on equal terms everywhere on these rivers.

XVI. From the day on which the common Customs' Regulations of the Union are brought into operation, all the staple and package rights, which may still exist in the Grand Duchy of Baden, shall cease; as such rights have been abolished already in the other territories belonging to the Customs' Union; and no one shall be compelled to any stoppage, loading, or warehousing of goods, except in the cases admitted or prescribed by the common Customs' Regulations, or by the rules of navigation.

XVII. All dues for canals, locks, bridges, ferries, harbours, weighing machines, cranes, and warehouses, and all fees for arrangements intended to facilitate commerce, shall be levied only for the use of such actually existing arrangements; these dues shall, as a general rule, not be increased at all, but should they be so, in no case shall they be increased beyond the amount of the ordinary cost of construction and maintenance; and they shall be levied everywhere from the subjects of the other contracting States in a perfectly equal degree with their own subjects, and likewise without any distinction as to the destination of the goods.

No charge of fees is to be made for the use of weighing machines if used only for the purpose of ascertaining the Customs' duties, or for the general purposes of official Customs' control.

XVIII. The Government of the Grand Duchy of Baden will also on its part co-operate with the Contracting States of the Union to promote trade and industry by the adoption of uniform principles, and to see that the utmost freedom of action be given to the right of the subjects of one State to seek work and employment in the other.

The subjects of one of the Contracting States carrying on trade or commerce, or seeking employment in the territory of another of these States, shall not, from the period when the present Treaty comes into force, pay any taxes which are not paid by the subjects of the latter State, similarly circumstanced.

In like manner, manufacturers and tradesmen who are only making purchases for their business, or travellers who do not carry goods but only samples of them, for the purpose of obtaining orders, shall not be compelled to pay any further tax on this account, if they have acquired in the State of the Union where they reside, the licence

for carrying on this trade by payment of the legal dues, or if they are in the employ of native merchants or tradesmen so privileged.

The subjects of any of the Contracting States who attend the markets and fairs in the other States in pursuit of trade, and for the disposal of their productions or manufactures, shall also be treated on equal terms with the subjects of the States thus visited.

XIX. The Prussian seaports shall be open to the trade of the subjects of the Grand Duchy of Baden as well as those of the other States of the Union, upon payment of precisely the same duties as are paid by the Royal Prussian subjects; and the Consuls of one or another of the Contracting States appointed at foreign seaports and commercial places shall be bound to afford aid and assistance to the subjects of the other Contracting States whenever it may be necessary.

XX. His Royal Highness the Grand Duke of Baden hereby accedes to the Customs' Convention,—concluded under date of 11th May, 1833, among the members hitherto forming the Union, for the purpose of protecting their common Customs' system against smuggling, and their duties upon articles of domestic consumption against fraud,—for the remaining period of the said Convention, and will order that such articles of that Convention as concern him be published in his dominions simultaneously with the latter. The other members of the Union will also on their part take the necessary steps to ensure the general execution of the stipulations of this Customs' Convention in their reciprocal relations with the States of the Union.

XXI. The common participation in the receipts of the Contracting States, consequent upon the present Treaty, has reference to the proceeds of the import, export, and transit duties in the Royal Prussian States, the Kingdoms of Bavaria, Saxony, and Wirtemberg, the Grand Duchy of Baden, the Electorate of Hesse, the Grand Duchy of Hesse, and of the Thuringian Customs and Trade Union, including also those countries which have hitherto joined the Customs' systems of the Contracting States.

The revenue arising from the following sources is excepted from the community of receipt, and reserved for the private benefit of the State Governments interested, unless separate Conventions between particular States of the Union determine otherwise:

(1.) The taxes which are levied on home productions within each State, including the differential duties, according to § 11.

(2.) The river tolls.

(3.) Highway rates, paving, dyke, bridge, ferry, canal, lock, and harbour dues, as well as weighing and warehouse fees, or any similar impost of whatsoever denomination.

(4.) Customs' fines and forfeitures which, belong to each Government within its own territory, after payment of the share reserved for the informers.

XXII. The amount of the duties which are to become common property shall be divided among the members of the Union in proportion to the populations with which they form part of the general Union, after deducting :

- (1.) The expenses which are mentioned hereafter in § 30 ;
- (2.) The restitution of erroneous levies ;
- (3.) The indemnifications and reductions of Customs which have been made by virtue of special joint agreements.

The population of such States as have acceded or may hereafter accede to the Customs' Union by virtue of an agreement with one or other of the Contracting States, guaranteeing an annual payment to be made by such State, as their share in the common Customs' revenue, shall be included in the population of the State which makes the payment.

The census of the population of each separate State of the Union shall be taken every 3 years, and the result shall be reciprocally communicated by the members of the Union to each other.

XXIII. Concessions to tradesmen respecting the payment of Customs' duties, which are not founded on the Customs' laws, shall be chargeable to the Treasury of that Government which has granted them. The circumstances under which such concessions may be granted are reserved for special agreement.

XXIV. Conformably with the object of the Union, which is the promotion of a free and natural movement in general commercial intercourse, special concessions in connection with the Customs, which are enjoyed by certain places where fairs are held, more particularly the privileges of discount, shall not be extended in those States of the Union where they at present exist, but rather be limited as far as possible, and be brought, as speedily as possible, to a total extinction, with due regard to the circumstances under which the maintenance of such hitherto favoured places, in their previous commercial relations with foreign countries, depends. In no case however, shall any new concession be granted without general consent.

XXV. Articles which are imported for the service of the Court Household of the Sovereigns and their reigning houses, or for the foreign Ambassadors, Envoys, *Chargés d'Affaires*, &c., accredited to their Courts, shall not be exempt from the payment of Customs according to the tariff; and if any remission be made for the same, it shall not be charged to the general account.

In like manner such indemnities as are payable in one or other State to the former immediate estates of the Empire, or to communes, or to privileged private individuals for abolished toll-rights, or for exemptions repealed, shall not be charged in account. But, on the other hand, every State shall be at liberty to allow, by means of warrants, the free ingress, egress, and transit of single articles,

without the payment of duties. Such articles, however, shall be dealt with according to the Customs' Laws, and shall be recorded in Free registers, which shall be kept in the same manner as the other Customs' registers, and the duties which would have been leviable on them shall be deducted at the next adjustment of the revenue accounts, from the share of the State by which the free warrants have been granted.

XXVI. The right of remission and commutation of punishment shall be reserved to each of the Contracting States within its own dominions. Periodical returns of indulgences, and remissions thus granted, shall be reciprocally communicated on demand.

XXVII. The appointment of officials at the local and central district stations for receipt and control of customs, who, according to special agreement on this point, are to be appointed and instructed upon uniform principles, is left to the Grand Ducal Government of Baden, as well as to all the other members of the General Union within their own territories.

XXVIII. In like manner, the service at the local and district Customs' stations, in the Grand Duchy of Baden, shall also be under the direction of a Customs' Board, which Board shall be subordinate to the respective ministerial departments, and shall carry into general effect the joint Customs' Laws. The formation of this Board, and the regulation of its proceedings, is reserved by the Grand Ducal Government, but its jurisdiction, so far as it is left undecided by the present Treaty, and in the joint Customs' Laws, will be defined in common instructions to be agreed upon.

XXIX. The returns to be made up quarterly by the Receiving Officers of the Customs, and the final adjusted accounts, which are to be rendered at the end of the year, when the books are closed and balanced; as well as the accounts which have become due respectively in the course of each quarter, and during the whole financial year, shall, after previous examination, be made up in general statements by the Customs' Board of the Grand Duchy of Baden, in the same manner as by the respective Customs' Boards of the Contracting States of the Union, and these statements shall be transmitted to the central office at Berlin, to which Baden, like every member of the Collective Union, is entitled to nominate an officer.

From the said statements this Central Board shall make up, every 3 months, the provisional accounts current of the Confederated States, transmitting them to the central Finance Offices of the latter, and preparing the definitive annual balance account for the year.

Should it appear from the quarterly accounts that the actual receipts of any member of the Union have remained below its proportionate share in the general revenue by more than the average amount of 1 month, the necessary measures must forthwith be taken to make up

this deficiency, by payments to be made by any State or States wherein a surplus receipt has taken place.

XXX. With respect to the expenses of levying the duties, and the charges of management, the following principles shall also be observed in the relations of the Grand Duchy of Baden with the Contracting States of the Union :

(1.) No community herein can be allowed, but each Government shall defray all expenses of levying the duties, and all charges of management incurred in its own territory, whether such expenses be for the establishment and maintenance of the Chief and Sub-Customs' Offices, the Inland Tax-Offices and Warehouses, the Customs' Boards, the provision for the staff employed therein, or for pensions to be granted to the latter ; or, lastly, for any other requirements resulting from the administration of the Customs.

(2.) Respecting that portion of the expense, however, which is necessary for the Customs' officers employed in levying duties, in supervision and control, or in watching on the external frontiers next foreign countries, and within the boundary district belonging thereto, an agreement shall be made for the payment of inclusive sums, which each of the Contracting States may deduct from its annual gross receipt of Customs, of which it has to render account to the Union.

(3.) On ascertaining this proportion of expenses, and where the collection of private taxes is combined with the levying of Customs, the salaries and official expenses of the Customs' officers shall be chargeable to the joint account only in proportion to their occupation in the Customs' service, as compared with their official duties generally.

(4.) An agreement will be made with the Grand Ducal Government of Baden upon general rules to bring the rates of salary of the officers employed in levying Customs' duties, in supervision, and at the Customs' Boards, as much as possible into conformity, having reference also to the Grand Duchy of Baden.

XXXI. The Contracting Parties reciprocally concede to each other the right of appointing Comptrollers at the Chief Customs' offices on the frontiers of other States of the Union, who shall take cognizance there, and at the Sub-Offices, of all matters connected with the dispatch of business, the guarding of the boundaries, the observance of lawful proceedings, and the removal of defects ; but who, for the rest, are to abstain from any individual interference.

It is reserved for decision of a service regulation to be more particularly agreed upon, whether, and in what degree, the above-mentioned Comptrollers are to take part in the transaction of the current business.

XXXII. The Grand Ducal Government of Baden shall have the right to delegate officials to the Customs' Boards of the other members of the Union, and *vice versâ* the latter to the Grand Ducal Customs' Board of Baden, for the purpose of acquiring a perfect knowledge of all business connected with the administration, or having reference to the community of interest agreed upon by the present Treaty.

The relative position and duty of these officers, which shall be similar to those of the delegates at the Customs' Boards of the other members of the Union, shall be further defined in a special instruction based on the consideration of unreserved candour on the part of the administration where these delegates exercise their functions, relative to all matters connected with the management of the joint Customs' administration, and the facilitating of every means of acquiring information on this subject; whilst, on the other hand, the solicitude of the delegates must be directed, no less sincerely, to the settlement of any doubts and differences of opinion which may arise, in a manner appropriate to the common object, and to the relations of confederated States.

The Ministerial Departments or the Supreme Boards of Administration of all the States of the Union shall reciprocally communicate to each other, when requested, all desirable information upon the common affairs of the Customs; and if it should be resolved to delegate, temporarily or permanently, a superior officer for this purpose, or to commission a Plenipotentiary otherwise accredited to the Government, every opportunity, according to the above expressed principle, shall be readily afforded to such delegate, in order to enable him to make himself perfectly acquainted with the affairs of the management of the joint Customs.

XXXIII. A meeting of Plenipotentiaries from the members of the Union shall be held annually at the beginning of June, for the purpose of deliberation in common, to which meeting each member is entitled to appoint a Plenipotentiary. For the formal direction of the proceedings at the discussions, the Plenipotentiaries will choose from amongst themselves a President, who shall not, however, enjoy any preeminence over the other members.

At the close of each annual meeting the place for the next meeting shall be agreed upon, taking into consideration the nature of the objects expected to be discussed at the ensuing Conference.

XXXIV. The attention of the Plenipotentiaries at the Conference shall be directed to

a. The consideration of all complaints and defects which have been perceived in one or other of the States of the Union, relative to the execution of the fundamental Treaty, of the special Conventions, and of the Customs' laws, regulations, and tariffs,—which may not

have been settled and disposed of in the course of the year by correspondence upon the subject between the Ministerial Department and the Chief Boards of Direction.

b. The definitive settlement among the members of the Union of the common receipts, founded on such statements as are as necessary for the purpose of a proper examination, agreeable to the common interest, which statements are to be rendered by the principal Customs' authorities, and to be submitted by the Central Office.

c. The consultations respecting wishes and propositions for the improvement of the Customs' administration, which may be submitted by the Governments of particular States.

d. The negotiations respecting alterations of the Customs' laws, the Customs' regulations, the Customs' tariff, and the organization of the administration, which may be proposed by any of the Contracting States; and generally all matters referring to the suitable development and accomplishment of the common system of commerce and customs.

XXXV. If any extraordinary events should occur in the course of the year, at any other period than that of the ordinary meeting of the Plenipotentiaries at the Conference, which call for immediate measures or dispositions on the part of the States of the Union, the Contracting Parties will decide upon them by diplomatic means, or they will convoke an extraordinary meeting of their Plenipotentiaries.

XXXVI. The expenses of the Plenipotentiaries and of their assistants shall be defrayed by the members of the General Union by which they are deputed. The Staff of the Secretariat and the place of Assembly shall be furnished free of expense by the Government in whose territory the meeting of the Conference takes place.

XXXVII. The duties at present existing on many kinds of merchandise in the Grand Duchy of Baden being considerably lower than the future tariff of the Union, the Government of the Grand Duchy of Baden engages to take such measures as may be necessary to guard against any loss which the revenues of the general Union might incur from the importation and accumulation of large stocks of goods imported at a lower rate of duty.

XXXVIII. In case any other German States should intimate their wish to be admitted into the Customs' Union established by the present Treaty, the High Contracting Parties declare themselves ready to comply with such wish by concluding Treaties for that purpose, as far as it may be compatible with the regard due to the peculiar interests of the members of the Union.

XXXIX. They will also exert themselves to facilitate and to extend as much as possible the commerce of their connexions, by means of Treaties with other States.

XL. Whatever is necessary for the execution in detail of the stipulations of the present Treaty, and of its Supplements, shall be prepared by common Commissioners.

XLI. The present Treaty shall continue in force provisionally until the 1st of January, 1842. If, during this period, and at the latest 2 years before its expiration, no notice of its cessation be given, it shall be considered as prolonged for 12 years, and so on afterwards from 12 years to 12 years.

This latter arrangement shall, however, be observed only in case all the States of the Germanic Confederation should not in the meantime agree upon adopting such common measures as may fully accomplish the object of the present Customs' Union, as being in accordance with the intention of Article XIX of the Act of the Germanic Confederation.

Should any general regulations be adopted relative to a free trade in provisions, in all the States of the Germanic Confederation, the stipulations on this subject in the tariff of the Union at present in force conformably with the present Treaty, shall be modified accordingly.

The present Treaty shall be forthwith submitted for ratification by the High Contracting Courts, and the interchange of the ratifications shall take place at Berlin, within 6 weeks at the latest.

Done at Berlin, 2nd May, 1835.

(L.S.) ALVENSLEBEN.

(L.S.) FR. COUNT OF LUX-
BURG.

(L.S.) PHIL. GUST. HAUBER.

(L.S.) H. T. L. SCHWEDES.

(L.S.) HENRY LEWIS BIER-
SACK.

(L.S.) ALBERT FRIED. EICH-
HORN.

(L.S.) FRANZ A PAULA,
BARON VON LINDEN.

(L.S.) CARL FR. OF WIL-
KENS-HOHENAU.

(L.S.) F. F. W. BARON v.
SCHÆFFER BERNSTEIN.

(L.S.) WILL. PHIL. GOSS-
WEILER.

(L.S.) C. L. H. OF FRANKENBERG LUDWIGSDORFF.



TREATY between Prussia, Bavaria, Saxony, Wirtemberg, Baden, Hesse Cassel, Hesse Darmstadt, and the States forming the Thuringian Union, on the one part, and Frankfort on the other, for the Accession of the Free City of Frankfort to the German Customs' Union.—Signed at Berlin, January 2, 1836.

(Translation.)

THE Senate of the Free City of Frankfort having expressed a wish to accede to the Customs' Union existing among Prussia, Bavaria, Saxony, Wirtemberg, Baden, the Electorate of Hesse, the Grand Duchy of Hesse, and the States belonging to the Thuringian Union, the following Plenipotentiaries have been nominated for the purpose of carrying out the necessary negotiations, that is to say: On the one part,

His Majesty the King of Prussia, for himself, and as representing the kingdom of Saxony, the Grand Duchy of Baden, and the States belonging to the Thuringian Union; represented by

Albert Count of Alvensleben, his Chamberlain, Actual Privy Councillor, and Chief *ad interim* of the Ministry of Finance, Knight of the Royal Prussian Order of the Red Eagle, 3rd Class, with the loop; of the Order of St. John; Commander of the Royal Hungarian Order of St. Stephen, and Grand Cross of the Order of the Zähringian Lion of the Grand Duchy of Baden; and

Albert Frederick Eichhorn, his Actual Privy Councillor of Legation, and Director in the Ministry of Foreign Affairs; Knight of the Royal Prussian Order of the Red Eagle, 2nd Class; Holder of the Iron Cross, 2nd Class, on the White Riband; Knight of the Imperial Russian Order of St. Anne, 2nd Class; Commander of the Royal Bavarian Order of Civil Merit; of the Royal Saxon Order of Civil Merit; Commander of the Royal Hanoverian Guelphic-Order, and of the Order of the Royal Crown of Wirtemberg; Grand Cross of the Order of the Zähringian Lion of the Grand Duchy of Baden; Commander, 1st Class, of the Order of the Golden Lion of the Electorate of Hesse, and of the Order of Louis of the Grand Duchy of Hesse; Grand Cross of the Order of the White Falcon of the Grand-Ducal House of Saxony, and of the Order of the Ducal Saxe-Ernestinian House;

His Majesty the King of Bavaria; represented by

Frederick Christian John, Count of Luxburg, his Chamberlain, Councillor of State, Envoy Extraordinary and Minister Plenipotentiary at the Royal Courts of Prussia and of Saxony, at the Grand-Ducal and at the Ducal Courts of Saxony; Grand Cross of the Royal Bavarian Order of Civil Merit; Knight of the Royal Prussian Order of the Red Eagle, 1st Class; Grand Cross of the Royal Saxon Order of Civil Merit; Knight of the Royal Order of Frederick of Wirtem-

berg; Grand Cross of the Order of the Zähringian Lion of the Grand Duchy of Baden, and of the Order of the White Falcon of the Grand Ducal House of Saxony;

His Majesty the King of Wirtemberg; represented by

Francis of Paula, Frederick Baron of Linden, his Chamberlain, Councillor of Legation, *Chargé d'Affaires* at the Royal Court of Prussia; Knight of the Order of the Royal Crown of Wirtemberg; Knight of the Royal Bavarian Order of Civil Merit; Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden, and Commander of the Order of the White Falcon of the Grand-Ducal House of Saxony; and,

Philip Gustavus Hauber, his Councillor of Finance; Knight of the Royal Prussian Order of the Red Eagle, 3rd Class; Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden; Knight, 1st Class, of the Grand-Ducal Hessian Order of Louis;

His Highness the Prince-Elector and Co-Regent of Hesse; represented by

Charles Frederick of Wilkens-Hohenau, his actual Privy Councillor of Legation, Envoy Extraordinary, and Minister Plenipotentiary at the Royal Court of Prussia; Commander of the Order of the Golden Lion of the Electorate of Hesse; Knight of the Royal Prussian Order of the Red Eagle, 3rd Class, and of the Royal Prussian Order of St. John; Grand Cross of the Order of the Zähringian Lion of the Grand Duchy of Baden; Commander, 1st Class, of the Grand-Ducal Hessian Order of Louis; Commander of the Order of the White Falcon of the Grand-Ducal House of Saxony; and

Henry Theodor Lewis Schwedes, his Chief Director of Mines and Saltworks; Knight of the Order of the Golden Lion of the Electorate of Hesse; Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden, and of the Order of the White Falcon of the Grand-Ducal House of Saxony;

His Royal Highness the Grand-Duke of Hesse; represented by

Frederick Ferdinand William, Baron Schäffer of Bernstein, his Chamberlain, Major, and Flank-Adjutant; *Chargé d'Affaires* at the Royal Court of Prussia; Commander, 2nd Class, of the Grand-Ducal Hessian Order of Louis; Holder of the Insignia of Honour for Military Service; Knight of the Imperial Austrian Order of Leopold; of the Royal French Legion of Honour; the Royal Hanoverian Guelphic Order, and of the Royal Wirtemberg Order of Military Merit, and Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden; and,

Henry Lewis Biersack, his Chief Councillor of Finance; Knight, 1st Class, of the Grand-Ducal Hessian Order of Louis; Knight of the Royal Prussian Order of the Red Eagle, 3rd Class; of the Royal Bavarian Order of Civil Merit; of the Order of the Royal Crown of

Wirtemberg, and of the Order of the Zähringian Lion of the Grand Duchy of Baden ; and, on the other part,

The Senate of the Free City of Frankfort ; represented by

George Frederick of Guaita, Sheriff and Senator ; and Conrad Adolphus Bansa, Senator.

By whom, the said Plenipotentiaries, the following Treaty has been concluded, subject to ratification :

ART. I. The Free City of Frankfort, with its territory, accedes to the Union formed for the purpose of a common system of Customs and Commerce, by the kingdoms of Prussia, Bavaria, Saxony, and Wirtemberg, the Grand Duchy of Baden, the Electorate of Hesse, the Grand Duchy of Hesse, and the States united in the Thuringian League of Customs and Commerce, as existing on the basis of the Treaties concluded for this purpose, under date of the 22nd and 30th March, and 11th May, 1833, and of the 12th May, 1835 ; in such manner that the said city submits to equal obligations, in accordance with the stipulations defined by the present Treaty, and participates in equal rights with the other States of the Union.

II. In consequence of this accession, the Free City of Frankfort will cause the Customs' laws agreed upon on its part, together with the Customs' regulations and the Customs' penal-laws, as well as the Customs' tariff, which are to be considered as integral parts of the present Treaty, to be published and to be carried out simultaneously with this latter, abolishing at the same time the laws and regulations at present in force in its territory in respect of import, export, and transit duties, and the administration thereof, at present in force in its territory.

III. Alterations in the Customs' legislation of the Union, including the Customs' tariff and the Customs' regulations, as well as additions to and exceptions from them, can be effected only in the same manner as the introduction of the laws, and with the consent of all the members of the Customs' Union.

The same rule likewise applies to all regulations involving a general change in the arrangements relative to the administration of the Customs.

IV. From the date of the complete execution of the present Treaty, freedom of commerce and intercourse, and at the same time a common interest in the Customs' revenues, shall commence between the Contracting States of the Union and the Free City of Frankfort, as stipulated in the following Articles :

V. With the commencement of free intercourse all import, export, and transit-duties on the common boundaries of the Customs' Union as existing hitherto, and of the Free City of Frankfort, shall cease, and all articles already free to pass to and in the one territory shall

be imported free, and without restriction into the other territory, with the following exceptions only :

a. Of such articles as belong to the State monopolies (playing cards and salt), in accordance with §§ 6 and 7.

b. Of articles of home production upon which at present either duties of different amount are levied within the Contracting States, or which are exempt from duty in one State, but not in another, and which are therefore subject to a differential duty according to § 8. And lastly,

c. Of articles which cannot be imitated or imported without infringing the privileges of invention (patents) granted by one of the Contracting States, and which, therefore, during the continuance of the privileges (patents) must remain excluded from importation into the State which has granted them.

VI. Respecting the importation of playing cards, the laws of prohibition or restriction at present existing in each of the contracting States remain in force.

VII. Respecting salt, the Free City of Frankfort accedes to the agreement made between the contracting Governments of the Union, as far as such agreement is applicable to its local circumstances, as follows :

a. The importation of salt, and of all substances from which culinary salt is usually extracted, from foreign countries not belonging to the Union, into the States of the Union, is prohibited, unless it be on account of one of the confederated Governments, and for the purpose of immediate sale in their salt offices, factories, or dépôts..

b. The transit of salt, and of the above-mentioned articles from countries not belonging to the Union, into other countries similarly situated, shall take place only with the consent of those States of the Union whose territory is to be passed in the transit, and under such measures of precaution as they may think it necessary to enforce.

c. The exportation of salt into foreign countries, not belonging to the Union, is free.

d. With respect to the trade in salt within the States of the Union, the importation of that article from one State into another shall be allowed only in case of special Treaties to this effect existing between the respective Governments.

e. If one Government should desire to import salt from another Government within the general Union, either from the public or from private salt works, such transmission of salt must be accompanied by pass-warrants issued by the public authorities.

f. If a State of the Union desires to import its supply of salt through the medium of another such State, either from abroad or

from a third State of the Union, or if the first State desires to export salt through the same channel into foreign countries not belonging to the Union, no impediment shall be offered thereto; but, so far as no regulations on this point shall have been adopted by previous Conventions between the States concerned, the respective roads for the transport, and the requisite measures of precaution for the prevention of smuggling, shall be agreed upon.

g. If there should be such a disparity in the prices of salt in States immediately adjacent to each other, that danger of salt smuggling would probably arise for one or the other of those States, the Governments thus concerned will agree upon measures to avoid this danger as much as possible, without causing impediments to the free circulation of other goods.

VIII. Respecting the inland duties in which there is still a difference of legislation, even between the various Contracting States of the Union (§ 5, *b*), the free city of Frankfort also acknowledges it to be desirable that uniformity of legislation and of the Customs' tariffs should be established on this point; and the said Government will exert itself to accomplish this object.

Until this end shall have been attained, and in order to avoid the disadvantages which would arise to the manufacturers of one country in their relation to the manufacturers in the other States of the Union, from an unequal system of taxation, differential duties may be levied upon the following articles, viz.,

A. In the States hitherto forming the Union :

a. On beer, spirits, tobacco, must, and wine, in the Kingdom of Prussia.

b. On beer, spirits, bruised malt, in the Kingdom of Bavaria (exclusive for the present of the Rhenish Circle).

c. On beer, spirits, tobacco, must, and wine, in the Kingdom of Saxony.

d. On beer, spirits, and bruised malt, in the Kingdom of Wirtemberg.

e. On beer, in the Grand Duchy of Baden.

f. On beer, spirits, tobacco, must, and wine, in the Electorate of Hesse.

g. On beer, in the Grand Duchy of Hesse.

h. On beer, spirits, tobacco, must, and wine, in the States belonging to the Thuringian Union.

B. In the city of Frankfort.

On beer :

The said duties shall be fixed and levied according to the following principles :

1. The differential duties shall be estimated by the difference between the legal duties in the country of destination, and those to

which the same article is subject in the country of its origin, and consequently such duties will be inoperative with reference to those countries of the Union where the same production is subject to an equally high or to a higher duty.

2. Any alterations which are made in the duties upon home productions of the States respectively concerned, shall also be followed by alterations in the differential duties, but constantly with the application of the principle previously established in § 1.

Where on account of such an alteration any differential duty would have to be increased, and in case such an increase be actually demanded, a negotiation on this point must previously take place between the States concerned, and sufficient proof must be given of the admissibility of the increase, according to the stipulations of the present Treaty.

3. The duty-tariffs at present legally existing in Prussia on must and wine of home growth, on the cultivation of tobacco, and on spirits, as well as the duty at present existing in Bavaria on bruised home-grown malt and on beer (Malt Tax), shall in every case form the highest rate of differential duties which it is permitted to raise on the importation of the above articles from a country where no duty is levied on the same productions, into any State of the Union where such duty has been or may in future be introduced; even if the duty in question, levied in the State which receives the compensation duty, should exceed the highest rate fixed.

4. No return of inland duties shall be granted on the transport of duty-paid articles into another country of the Union, unless the adjacent States thus interested shall have agreed upon exceptions from this principle, on account of peculiar local circumstances.

5. Under no circumstances shall differential duties be imposed upon any other products than beer and malt, spirits, tobacco-leaves, must, and wine.

6. In all the States in which a differential duty is levied on tobacco, must, and wine, no further imposts of any kind on these products shall in any case be retained or introduced, either on account of the State or on account of the Communes.

7. Articles proved in the manner prescribed in the Customs' Regulations to be foreign import or transit goods, and which as such have already been, or are still under official cognizance at some Custom office of the Union, and also those articles produced within the boundaries of the Union which are passing on transit only through a State of the Union, in order to be exported either into another such State, or into foreign countries, shall not be subject to differential duties.

8. The differential duty shall be for the benefit of that State into which the consignment is being sent. Should it not have been pre-

viously levied in the exporting country on account of the State entitled thereto, it shall be levied in the territory of this latter.

9. In each of the Contracting States certain arrangements shall be adopted for levying the differential duty in the State of the Union from which the consignment takes place, either at the place from whence the goods are sent off, or else at the nearest and most conveniently situated Customs' Office, or where payment of such duties can be ensured by proper notice.

10. Until these arrangements shall have been determined upon by special agreement, the traffic in articles subject to a differential duty shall be in so far restricted, that the said articles, without any difference as to the quantity of them thus transported, can be imported into the territory of the State which is entitled to the duty, and respectively reported and cleared at the Customs' stations to be established there for the purpose, on such roads only as shall be appointed for the purpose, and on the navigable rivers.

IX. Respecting the excise levied within the dominions of the Union upon other articles than those which are mentioned in § 8, or upon the same articles, in the countries where no differential duty is levied on them, a reciprocity of treatment shall be observed between the Contracting States of the Union and the Free City of Frankfort, in such manner that the productions of any State of the Union shall, on no account, be more heavily taxed in another State than the indigenous productions of that State itself.

The same principle shall also apply to additional tolls and excise, which are levied on account of single Communes, provided that this kind of impost be not altogether inadmissible according to the stipulation No. 6 in § 8.

X. Highway or other similar dues, as well as paving and dyke rates, bridge and ferry tolls, or under whatever denominations such dues may exist, and without difference whether they be levied on account of the State or in virtue of private rights, for example those of a commune, shall be respectively maintained, or new ones introduced, whether for causeways or other ways, high roads, or communication roads, only to such an amount as may be proportionate to the usual expenses of the construction and maintenance thereof.

The highway dues at present existing in Prussia, according to the general Tariff of the year 1828, shall be regarded as the highest rate, and shall not henceforth be exceeded in any one of the Contracting States.

Special charges for town-gate dues, and for paving on causeways, shall be abolished wherever they may still exist, according to the preceding principle, and the local paving dues shall be included in the tracts of the high roads or causeways, in such manner that the highway-dues alone shall be levied according to the general tariff.

XI. The Free City of Frankfort will co-operate to bring into operation in all the countries of the Contracting Governments a common system of moneys, measures, and weights, and will participate in the negotiations to be opened on this point.

The said city accedes to the Convention already existing among the members of the Union, according to which the Grand-Ducal Hessian hundred-weight or quintal has been adopted as the unit-standard for the common Customs' weight.

Therefore, from the time of the execution of the Treaty, the weighing of goods in the Free City of Frankfort shall take place according to that Customs' quintal, the payment of Customs' dues however, shall be made in money of the 24-florin standard.

The entry, admeasurement, and clearance at the Customs, of goods on which duty is payable by measurement, shall take place there in the legal manner which has been hitherto in practice, until a common standard of admeasurement shall likewise have been agreed upon.

To facilitate the transmission of goods, and for the readier dispatch of such consignments at the Customs' stations, the Senate of the Free City of Frankfort will cause to be published officially, for the use as well of the Customs administration at Frankfort, as of the commercial public generally, a comparative statement of the weights and measures which have been adopted in the tariffs of the other Contracting States.

The gold and silver coins, however, of all the Contracting States, with the exception of the small coinage, shall meanwhile be received at the Customs' Receipt Offices of the Free City of Frankfort, in the same manner as at all the Customs' Receipt Offices of the General Union, without exception, in payment of duties according to tariff; and to this end, Valuation tables, upon which the members hitherto forming the Union have already agreed, shall be published in the Free City of Frankfort.

XII. The water-tolls, or way-fees, including such dues as are chargeable on the body of the vessel (recognition fees), shall continue to be reciprocally levied in future on those rivers to which the stipulations of the Act of the Congress of Vienna or special State Treaties apply, provided that no other special arrangements shall be made on this point.

In the latter respect, more especially with reference to the Main as a tributary river of the Rhine, the Contracting parties will forthwith enter into negotiations in order to conclude an agreement by virtue of which the importation, exportation, and transit, on the said rivers, of the produce of all the countries of the Union shall be (though with a constant reservation of the recognition fees), if not entirely freed, at least relieved as much as possible from navigation dues.

Every concession granted by a State of the Union to the navigation of its own subjects upon the above-mentioned rivers, shall be in like manner conceded to the navigation of the subjects of the other States of the Union.

Upon the other rivers to which neither the Act of the Congress of Vienna, nor any other State Treaties apply, the river dues shall be levied according to the private regulations of the respective Governments concerned; but the subjects of the Contracting States, and their goods and craft, shall invariably be treated on equal terms everywhere on these rivers.

XIII. All tolls for canals, locks, bridges, ferries, harbours, weighing-machines, cranes, and warehouses, and all fees for arrangements intended to facilitate commerce, shall be levied only in cases where such arrangements are actually in existence, and in use for their purposes; these dues shall, as a general rule, not be increased at all, but should they be so, they shall in no case be increased beyond the amount of the usual cost of construction and maintenance, and they shall be levied everywhere from subjects of the other Contracting States in a perfectly equal degree with their own subjects, and likewise without any distinction as to the destination of the goods.

No charge of fees is to be made for the use of weighing machines if used only for the purpose of ascertaining the Customs' duties, or for the general purposes of official Customs' control.

XIV. The Free City of Frankfort will also on her part co-operate with the Contracting States of the Union to promote trade and industry by the adoption of uniform principles, and to see that the utmost freedom of action be given to the right of the subjects of one State to seek work and employment in the others.

The subjects of one of the Contracting States carrying on trade and commerce or seeking employment in the territory of another of these States, shall not, from the period when present Treaty comes into force, pay any taxes which are not paid by the subjects of the latter State, in a similar position as to trade or business.

In like manner, manufacturers and tradesmen who are only making purchases for their business, or travellers who do not carry goods, but only samples of them for the purpose of obtaining orders, shall not be compelled to pay any further tax on this account, if they have acquired in the State of the Union where they reside, the licence for carrying on this trade by payment of the legal dues, or if they are in the employ of native merchants or tradesmen so privileged.

The subjects of any of the Contracting States who attend the markets and fairs in the other States in pursuit of trade, and for the disposal of their productions or manufactures, shall also be treated on equal terms with the subjects of the States thus visited.

XV. The Prussian seaports shall be open to the trade of the

inhabitants of the city of Frankfort, equally with those of the other States of the Union, upon payment of precisely the same duties as are paid by the Royal Prussian subjects, and the Consuls of one or the other of the Contracting States at foreign seaports and other commercial places, shall be bound to afford aid and assistance, as far as possible, to the subjects of the other Contracting States whenever it may be necessary.

XVI. The Free City of Frankfort hereby accedes to the Customs' Convention (Kartel), concluded under date of 11th May, 1833, among the members hitherto forming the Union, for the purpose of protecting their common Customs' system against smuggling, and their duties upon articles of domestic consumption against defraudation,—for the duration of the present Treaty, and will cause the Articles of that Convention which concern it to be published simultaneously with the latter. The other members of the Union will also on their part take the necessary steps to ensure the general execution of the stipulations of this Customs' Convention in their reciprocal relations.

XVII. The community of receipts which is to take place between the Free City of Frankfort and the States of the Union, in consequence of the present Treaty, has reference to the nett proceeds of the import, export, and transit duties in the Royal Prussian States, the Kingdoms of Bavaria, Saxony, and Wirtemberg, the Grand Duchy of Baden, the Electorate of Hesse, and the Grand Duchy of Hesse, and in the Thuringian Customs' and Trade Union, including the countries which have hitherto joined the Customs' system of the Contracting States, and in the Free City of Frankfort.

The revenue arising from the following sources is excepted from the community of receipt, and is reserved for the private benefit of the State Governments interested, unless separate Conventions between particular States of the Union determine otherwise :

1. The duties which are levied in the interior of each State on home production, including the differential duties reserved in § 8.
2. The river tolls.
3. Highway-rates, paving, causeway, bridge, ferry, canal, lock and harbour dues, as well as weighing and warehouse fees, or any similar imposts of whatsoever denomination.
4. Customs' fines and forfeitures, which belong to each Government within its own territory, after payment of the share reserved for the informers.

XVIII. The amount of the duties which are to become common property, shall be divided among the members of the Union in proportion to the populations with which they form part of the General Union, after deducting :

1. The expenses which are requisite for the protection and for the

levying of the Customs on the boundaries next to foreign countries and within the district of such boundaries.

2. The restitution of erroneous levies.

3. The indemnifications and reductions of Customs which have been made by virtue of special joint agreements.

The populations of such States as have acceded, or may hereafter accede to the Customs' Union by virtue of agreements, with one or other of the Contracting States, guaranteeing an annual payment to be made by such State, as their share in the common Customs' revenue, shall be included in the population of the State which makes the payment.

The census of the population of each separate State of the Union shall be taken every 3 years, and the result shall be reciprocally communicated by the members of the Union to each other.

On account of the very peculiar circumstances which prevail in the Free City of Frankfort with regard to the consumption of articles which are subject to the common duties of the Union, the Contracting States will make a special arrangement with the said city about an annual total sum.

XIX. Concessions to tradesmen respecting the payment of Customs' duties, which are not founded on the Customs' laws, shall be chargeable to the Treasury of that Government which has granted them; the circumstances under which such concessions may be granted are reserved for special agreement.

XX. Conformably with the object of the Union, which is the promotion of a free and natural movement in general commercial intercourse, special concessions in connection with the Customs which are enjoyed by certain places where fairs are held, more particularly the privileges of discount, shall not be extended in those States of the Union where they at present exist, but rather be limited as far as possible, and brought to a speedy total extinction, with due regard to the circumstances upon which the maintenance of such hitherto favoured places, as to their previous commercial relation in regard to their trade with foreign countries, depends; in no case however, shall any new concession be granted without general consent.

XXI. Articles which are imported for the service of the Court households of the Sovereigns, and their reigning houses, or for the Ambassadors, Envoys, Chargés d'Affaires, &c., residing within the territory of the Union, shall not be exempt from the payment of Customs according to the tariff; and if any remission be made for the same, it shall not be charged to the general account.

In like manner, such indemnities as are payable in one or other State to the former immediate estates of the Empire, or to communes, or to privileged private individuals for abolished toll-rights, or for exemptions repealed, shall not be charged in the account.

On the other hand, every State shall be at liberty to allow, by means of warrants, the free ingress, egress, and transit of single articles, without the payment of duties. Such articles, however, shall be dealt with according to the Customs' laws, and shall be recorded in Free-registers, which shall be kept in the same manner as the other Customs' registers, and the duties which would have been leviable on them, shall be deducted, at the next adjustment of the revenue accounts, from the share of the State by which the free-warrants have been granted.

XXII. The right of pardon and commutation of punishment is also reserved to the Free City of Frankfort. Periodical returns of remissions of punishment thus granted, shall be reciprocally communicated on demand.

XXIII. The appointment of the officials and servants for the levying and control of Customs, who are to be appointed and instructed according to regulations uniform with those of the other States of the Union, shall remain with the City of Frankfort, but with due regard to the peculiar circumstances prevailing there.

XXIV. The direction of the Customs' service, and the execution of the common Customs' laws, is subordinated in the Free City of Frankfort to the Senate.

XXV. All the States of the Union will reciprocally communicate to each other every desirable information respecting the joint Customs' affairs, and if for this purpose it should be decided to delegate temporarily a superior Official, or to charge a Plenipotentiary otherwise accredited to the respective Governments of the Union, all the facilities to take complete cognizance of the state of the common administration of the Customs shall be afforded to him.

XXVI. Annually, within the first days of the month of June, a meeting of the Plenipotentiaries to be deputed by the States of the Union, shall take place for the purpose of deliberation in common.

For the formal direction of the proceedings, the Plenipotentiaries at the Conference will elect from among themselves a President, who, however, is not to enjoy any pre-eminence over the other members.

At the close of each annual meeting the place for the next meeting shall be agreed upon, taking into consideration the nature of the objects expected to be discussed at the ensuing Conference.

XXVII. The attention of the Plenipotentiaries at the Conference shall be directed to :

a. The consideration of all complaints and defects which have been perceived in one or other of the States of the Union relative to the execution of the fundamental Treaty, of the special Conventions, and of the Customs' laws, regulations, and tariffs,—which may not have been settled in the course of the year, by correspondence upon the subject between the Ministerial Department and the Chief Boards of Direction.

^f *b.* The definitive settlement among the members of the Union of the common receipts, founded on such statements as are necessary for the purpose of a proper examination agreeable to the common interest, which statements are to be rendered by the principal Customs' authorities, and to be submitted by the Central Office.

c. The consultations respecting wishes and propositions made by certain Governments for improvements in the administration.

d. The negotiations respecting alterations of the Customs' Laws, the Customs' Regulations, the Customs' Tariff, and the organization of the administration, which may be proposed by any of the Contracting States; and generally all matters referring to the suitable development and accomplishment of the common system of commerce and customs.

XXVIII. If any extraordinary events should occur in the course of the year, at any other period than that of the ordinary meeting of the Plenipotentiaries at the Conference, which call for immediate measures or dispositions on the part of the States of the Union, the Contracting Parties will decide thereon by diplomatic means, or they will convoke an extraordinary meeting of their Plenipotentiaries.

XXIX. The Free City of Frankfort engages to take such measures as may be necessary to guard against any injury which might arise to the Customs' revenue of the Collective Union, at the time the present Treaty comes into execution, from importations or accumulation in the said city of large stocks of goods on which no duty, or duty at a lower rate of Customs than that contained in the tariff of the Union, has been paid.

XXX. The Free City of Frankfort accedes also, on her part, to the agreement made for the event of other German States expressing their wish to be admitted into the Customs' Union, established by the Treaties of the 22nd and 30th March, and 11th May, 1833.

XXXI. The Free City of Frankfort agrees likewise with the Contracting Governments that they shall endeavour to promote, by means of Commercial Treaties with other States, every possible facilitation and extension of the commercial intercourse of their connexions.

XXXII. Whatever is necessary to the execution in detail of the stipulations of the present Treaty, and of its supplements, shall be prepared by common Commissioners.

XXXIII. The present Treaty shall continue in force provisionally, until the 1st of January, 1842. If, during this period, and at the latest 2 years before the expiration of it, no notice of its cessation is given, it shall be considered as prolonged for 12 years, and so on afterwards from 12 years to 12 years.

The latter arrangement shall, however, be observed only in case all the States of the Germanic Confederation should not, in the meantime agree upon adopting such common measures as may fully

accomplish the object of the present Customs' Union, as being[§] in accordance with the intention of Art. XIX of the Act of the Germanic Confederation.

Should any general regulations be adopted, relative to a free trade in articles of food in all the States of the Germanic Confederation, the stipulations on this subject in the existing tariff of the Union, conformably to the present Treaty, shall be modified accordingly.

The present Treaty shall be forthwith submitted for ratification by the respective High Contracting Parties, and the interchange of the ratifications shall be effected at Berlin as speedily as possible.

Done at Berlin, the 2nd January, 1836.

(L.S.) ALVENSLEBEN.

(L.S.) ALBERT FREDERICK
EICHHORN.

(L.S.) LUXBURG.

(L.S.) WILKENS HOHENAN.

(L.S.) BARON VON LINDEN

(L.S.) BARON SHÆFFER-

for himself and for

.. BERNSTEIN.

PH. G. HAUBER,

(L.S.) H. T. L. SCHWEDES.

(absent.)

(L.S.) H. LEWIS BIRSACK.

(L.S.) C. A. BANSA.

(L.S.) VON GUAITA.

CONVENTION entre les Pays-Bas et la Belgique, pour l'exécution des Articles IX et X du Traité du 19 Avril, 1839, et du Chapitre II, Sect. I, II, III et IV, du Traité du 5 Novembre, 1842, relativement à la Navigation de l'Escaut et de ses Embouchures.—Conclue à Anvers, le 20 Mai, 1843.†*

[Ratifications échangées le 14 Août, 1843.]

SA Majesté le Roi des Pays-Bas, d'une part, et Sa Majesté le Roi des Belges, d'autre part, voulant pourvoir à l'exécution des dispositions des Articles IX et X du Traité du 19 Avril, 1839, et du chapitre II, sections I, II, III, et IV, du Traité du 5 Novembre, 1842, ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Pays-Bas les Sieurs :

Conrad Jacques Gerbrand Copes van Hasselt, Membre du Conseil d'Etat, Commandeur, &c.,

Iman Boeije, Conseiller d'Etat en service extraordinaire, chargé de la direction des divisions des droits d'entrée et de sortie, accises, navigation, &c., au Département des Finances, Chevalier, &c.,

Henri van de Velde, référendaire au Département de la Marine, Chevalier, &c.,

* Vol. XXVII, page 1000.

† Vol. XXXI, page 115.

Herman Adrien van Karnebeek, Capitaine de Frégate, Aide-de-Camp du Roi, Chevalier, &c., et

Kryn Wagtho, Membre des Etats Provinciaux de la Zélande et Bourgemestre de la ville de Tholen ;

Auxquels à été adjoint comme Secrétaire le Sieur Corneille le Clercq, référendaire au Département des Affaires Etrangères ;

Et Sa Majesté le Roi des Belges, les Sieurs :

Henri de Brouckere, Gouverneur de la province d'Anvers, Membre de la Chambre des Représentants, Chevalier, &c. ;

Pierre Olivier Joseph Lespirt, Inspecteur d'arrondissement des contributions directes, cadastre, douanes, et accises ;

Jean François Joseph Cateaux Wattel, Membre de la Chambre de Commerce et du Conseil Communal d'Anvers, Chevalier, &c. ;

Louis Jacobs, ancien Membre du Congrès National, bâtonnier de l'Ordre des Avocats, et Membre du Conseil Communal d'Anvers ;

Laurent Veydt, Membre de la députation permanente du Conseil Provincial d'Anvers, Chevalier, &c. ;

Henri Joseph Orban, Président de la Chambre de Commerce et du Tribunal de Commerce de Liège, Chevalier, &c. ;

Dieudonné Servais Joiris, Membre de la Chambre de Commerce et du Conseil Communal de Liège ;

Auxquels a été adjoint comme Secrétaire le Sieur Charles Joseph Edouard de Cuyper, Greffier de la province d'Anvers.

Et les dits Plénipotentiaires, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des règlements suivants, qu'ils ont signés en double original, conjointement avec les secrétaires.

REGLEMENT pour l'Exécution de l'Article IX du Traité du 19 Avril, 1839, et du Chapitre II, Section I, du Traité du 5 Novembre, 1842, relativement à la Navigation de l'Escaut, et de ses embouchures.

ART. I. Le payement du droit unique sur la navigation de l'Escaut et de ses embouchures, fixé par l'Article IX, § 3, du Traité du 19 Avril, 1839, savoir: de f.1.12 par tonneau, pour les navires qui, arrivant de la pleine mer, remonteront l'Escaut occidental pour se rendre en Belgique par l'Escaut ou par le canal de Terneuzen, et de f.0.38 par tonneau, des navires qui, arrivant de la Belgique par l'Escaut ou par le canal de Terneuzen, descendront l'Escaut occidental pour se rendre dans la pleine mer, se fera à Anvers et à Terneuzen, aux bureaux de l'agent Néerlandais, contre quittance conforme au modèle lettre A, annexé au présent règlement.

II. Ces bureaux qui seront, autant que possible, situés à proxi-

[1848—49.]

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mité des bassins, seront ouverts aux-mêmes jours et heures que ceux fixés par l'Article CCCXVI de la Loi générale du 26 Août, 1822.

Dans les cas extraordinaires ou d'urgence, l'agent ne se refusera pas, hors des jours et heures fixés pour l'ouverture de ses bureaux, à contribuer, en ce qui le regarde, à la prompte expédition des navires.

III. Le paiement se fera en monnaie ayant cour légal dans le pays où il devra avoir lieu, le franc calculé à 47 $\frac{1}{4}$ cents des Pays-Bas. Les monnaies inférieures à 50 centimes de Belgique, ou à 25 cents des Pays-Bas, ne seront toutefois admises que pour solde de fractions au dessous de cette somme.

IV. Le tonnage des navires sera calculé à raison de un mètre cube et demi, ou une aune cube et demie, mesure des Pays-Bas, conformément au § 2 de l'Article CCXCII de la Loi générale du 26 Août, 1822, et d'après les instructions du 20 Octobre, 1819, No. 1, modifiées par celles du 21 Février, 1823, No. 173, et du 12 Avril, 1825, No. 40.

Quant au tonnage des bateaux à vapeur, il ne sera calculé que relativement à la partie de leur capacité destinée aux marchandises.

Pour établir cette capacité, on mesurera les parties de la cale destinée au chargement des marchandises, et l'on suivra dans ce mesurage le mode prescrit par les instructions précitées, sauf qu'au lieu du tiers, stipulé dans l'instruction du 21 Février, 1823, il ne sera déduit qu'un-sixième.

V. Tous certificats de jaugeage, exprimant le tonnage des navires d'après les principes établis à l'Article précédent, et délivrés par l'autorité compétente, en quelque pays que ce soit, seront exhibés aux agents Néerlandais à Anvers ou à Terneuzen, et seront par eux admis pour servir de base à la perception du droit de navigation. Ces certificats ne seront valables que pendant le terme de 2 ans, depuis la date de leur délivrance.

VI. Il pourra néanmoins être procédé, contradictoirement avec la partie intéressée, à la vérification du jaugeage du navire, aux frais des dits agents, chaque fois que ceux-ci auront des motifs spéciaux et plausibles pour la requérir dans l'intérêt du trésor Néerlandais.

Dans ces cas, la demande et l'opération seront faites en temps utile et de manière qu'il n'en résulte aucune entrave ni aucun retard, autres que ceux inséparables de l'opération.

Ces vérifications pourront réciproquement, et pour les mêmes motifs, être demandées par les parties payantes. Elles auront lieu alors aux frais de ces dernières et contradictoirement avec les agents Néerlandais.

Dans tous les cas de désaccord entre les 2 experts-vérificateurs, il leur sera adjoint, pour les départager, un tiers expert, à désigner

par le sort entre 2 personnes présentées à cet effet de part et d'autre.

Le frais résultant de cette contre-expertise seront à la charge de la partie succombante.

VII. La vérification dont il s'agit ne devant occasionner ni entraves ni retards, autres que ceux inséparables de l'opération, et ne pouvant se faire convenablement à Terneuzen, alors surtout que les navires sont chargés, aura lieu pour tous les navires, chargés ou sur lest indistinctement, dans les portes Belges de déchargement ou de chargement.

Les frais de déplacement, comme les frais de jaugeage, sont à la charge de la partie, qui aura demandé la vérification. Ces frais seront les uns et les autres calculés d'après le tarif annexé au présent règlement sous la lettre B.

Lorsqu'il s'agira de jager pour la première fois un navire lancé en Belgique, l'administration des douanes préviendra les agents Néerlandais respectifs, au moins 2 jours d'avance, du jour et de l'heure des opérations du jaugeage, pour que ceux-ci puissent en faire reconnaître l'exactitude. Dans ce cas les frais de déplacement seuls seront à la charge de l'agent Néerlandais.

VIII. Pour les navires venant de la pleine mer et entrant en Belgique par le canal de Terneuzen, sans être munis de certificats de jaugeage conformes aux stipulations de l'Article V, il sera fourni caution solvable au gré de l'agent, pour une somme proportionnée au montant du droit de navigation, évalué approximativement par le dit agent.

La caution sera déchargée dans le délai d'un mois, moyennant paiement sur présentation d'un certificat de jaugeage en due forme délivré par l'autorité compétente.

IX. Lorsqu'un navire de mer aura péri sur l'Escaut ou à son embouchure, avant d'avoir atteint le territoire de la Belgique ou la pleine mer, et que sa cargaison sera transportée en Belgique par des allèges, ou en mer par un autre navire, on observera, pour la fixation du droit de navigation, les dispositions suivantes : dans le premier cas ce droit sera perçu sur le tonnage des allèges, calculé conformément à l'Article IV, et par chaque voyage qu'elles feront ; dans le deuxième cas le droit perçu sera restitué, si les marchandises sauvées retournent en Belgique ou sont exportées par un autre navire assujéti au péage ; si au contraire elles sont exportées par un navire non assujéti au péage, il n'y aura pas lieu à restitution du droit.

X. Le droit de navigation de l'Escaut sera payé à l'agent des Pays-Bas à Terneuzen, avant que le navire quitte le lieu, soit pour la pleine mer, soit pour le territoire Belge, sauf le cas prévu à l'Article VIII ; et à celui d'Anvers :

1°. Pour les navires venant de la pleine mer, dans le délai d'un mois après leur arrivée ou passage à Anvers ;

2°. Pour les navires allant à la pleine mer, avant leur départ.

XI. Les navires partis de la Belgique pour la mer, et pour lesquels le droit de navigation aura été payé, ne seront pas sujets une deuxième fois au même droit, ni à la rentrée, ni à la sortie, s'ils rentrent de la mer par force majeure et retournent dans un port Belge, où la force majeure et l'identité de la cargaison devront être dûment constatées.

Pour les navires rentrant en Belgique par le canal de Terneuzen, il sera fourni caution à la demande de l'agent, jusqu'à ce que les pièces justificatives lui aient été communiquées.

XII. Seront exempts du droit unique stipulé à l'Article I, les navires de guerre, ceux uniquement employés à la pêche, les yachts et les navires d'agrément, ainsi que les bateaux à vapeur servant à la remorque (remorqueurs).

XIII. Si le droit avait été mal à propos payé, en tout ou en partie, soit par erreur, soit parce que le navire n'aurait pas pris la route qui l'assujettissait au péage, soit par toute autre circonstance, le porteur de la quittance ne pourra répéter ce qui aurait été indûment perçu, qu'en déans les 6 mois à dater du payement.

Réciproquement, l'agent ne pourra recouvrer le payement du droit dû, qui n'aurait pas été payé soit par erreur, soit parce que le navire aurait pris une route qui l'assujettissait au péage, soit par toute autre circonstance, qu'en déans les 6 mois, à dater du jour que le droit aurait dû être payé.

XIV. Pour faciliter l'exécution de l'Article précédent, le Gouvernement Belge fera remettre à l'Agent Néerlandais à Anvers la liste des navires de mer, qui auront été déclarés en destination de la Belgique ou de la mer, pour autant que ces navires sont soumis au droit unique.

De son côté le Gouvernement Néerlandais fera remettre au Gouvernement Belge la liste des navires, munis de lettres de mer, ayant fait déclaration aux bureaux de Bath, Sas de Gand et Terneuzen, soit à l'entrée, soit à la sortie des Pays-Bas.

Les administrations de pilotage Néerlandais et Belge à Flessingue se communiqueront réciproquement la liste des navires qu'elles auront pilotés tant à l'entrée qu'à la sortie par mer. Ces diverses communications se feront respectivement de quinzaine en quinzaine.

XV. Il est entendu que, moyennant le droit unique mentionné à l'Article I, il ne pourra, directement ni indirectement, être établi sur la navigation de la pleine mer en Belgique par l'Escaut occidental, et *vice-versa*, d'autres droits, péages ou indemnités quelconques, sous quelque titre que ce soit, sauf ce qui est réglé pour le pilotage et les fanaux.

XVI. Pour les bâtiments soumis au droit de navigation, il ne pourra être délivré aucun document à la sortie, ni acte effectif ou négatif de décompte, qu'après qu'il aura été justifié du paiement de ce droit.

Les navires munis de lettres de mer, qui se déclareront à la sortie par les eaux intérieures des Pays-Bas, devront fournir caution du droit à la descente. Cette caution sera déchargée du moment que leur entrée par Bath aura été constatée.

XVII. Tout capitaine d'un navire assujetti au droit de navigation, venant de la Belgique pour se rendre à la pleine mer, devra être muni de la quittance de paiement à la descente, ou de la preuve du cautionnement du dit droit, pour être exhibée par lui au pilote chargé de le conduire en mer, lequel devra faire connaître à son administration la nature, la date et le numéro du document exhibé.

A défaut de cette exhibition, le navire pourra être retenu en rade de Flessingue, de Rammekens ou de Terneuzen, jusqu'à ce qu'il soit justifié du paiement ou du cautionnement.

Il est défendu aux pilotes, à quelque administration qu'ils appartiennent, et ce sous peine d'être personnellement responsables du montant du droit non payé, qui sera retenu sur leur salaire, de prêter leurs services pour conduire en mer un navire non muni de la quittance susmentionnée ou de la preuve du cautionnement fourni.

XVIII. Tout navire, venant de la pleine mer pour se rendre en Belgique, ou venant de la Belgique pour se rendre à la mer, pourra, si les vents, les glaces ou d'autres circonstances l'exigent, stationner librement dans toutes les eaux de l'Escaut occidental et de ses embouchures.

XIX. Les navires se rendant de la pleine mer en Belgique, et *vice-versâ*, ne seront assujettis à aucune formalité par rapport aux douanes Néerlandaises, durant le trajet de l'Escaut occidental et de ses embouchures, ou pendant le temps qu'ils y séjourneront.

La surveillance contre la fraude pourra être exercée par le Gouvernement des Pays-Bas, tant sur les rives qu'au moyen d'embarcations sur le fleuve même.

Si, après une expérience de 2 années, l'insuffisance de ces moyens était démontrée, les 2 Gouvernements s'entendraient pour aviser, d'un commun accord, à un mode de surveillance plus efficace, par l'adoption d'autres mesures les plus propres à mettre cette surveillance en harmonie avec les intérêts de la navigation, laquelle ne pourra, dans aucun cas, être exposée, de ce chef, à des entraves, frais ou retards.

XX. Les navires, allant de la Belgique à la mer par le canal de Terneuzen et l'Escaut occidental, et *vice-versâ*, seront exempts de toute visite et formalité de la douane Néerlandaise, à leur entrée, à

leur sortie et pendant le parcours du canal de Terneuzen, sauf l'apposition des plombs ou scellés aux écoutilles et aux autres issues, ou la mise à bord de gardiens, dont le nombre ne dépassera pas celui de deux.

Les gardiens participeront au feu, à la lumière et à la nourriture de l'équipage, mais il leur est défendu de recevoir aucune rétribution, indemnité ou salaire des capitaines.

XXI. Il est interdit aux navires, venant de la mer pour se rendre en Belgique *et vice versa*, de communiquer directement ou indirectement avec les côtes et rives, par d'autres endroits que ceux déterminés par le Gouvernement des Pays-Bas, pour prendre charge ou décharger.

Toutefois il sera loisible aux capitaines de se munir à terre des provisions dont ils auraient besoin pour l'usage de l'équipage ou du navire, et de s'y rendre pour demander ou recevoir des ordres, pourvu que le navire reste éloigné des côtes et rives, et que, dans ces cas, les communications ne se fassent qu'au moyen de chaloupes, soit à Flessingue, soit aux autres lieux désignés à cet effet par le Gouvernement des Pays-Bas.

Le Gouvernement des Pays-Bas fera connaître au Gouvernement Belge, dans le mois de l'échange des ratifications du présent règlement, les autres ports et endroits qu'il aura déterminés pour les communications prévues par cet Article ; si plus tard il jugeait convenable de faire à cet égard des changements, il en informerait le Gouvernement Belge au moins un mois d'avance.

XXII. Toute communication avec les côtes ou rives non autorisée, ou dans des endroits non désignés, et hors les cas de force majeure, sera punie d'une amende à la charge du capitaine du navire.

Cette amende sera de 50 à 100 florins, si la communication a eu lieu directement par le navire, et de 10 à 25 florins, si elle s'est faite au moyen de chaloupes ou autres embarcations.

XXIII. Lorsque, pour cause d'avarie ou autre circonstance extraordinaire, un capitaine sera obligé de transborder des marchandises sur le fleuve ou à son embouchure, ou d'en décharger sur les rives et côtes, ces marchandises seront exemptes de tous droits d'entrée, de sortie ou de transit, pourvu que le capitaine se soit adressé préalablement aux employés des douanes les plus voisins ou, à leur défaut, à l'autorité locale la plus voisine, et qu'il se soumette aux mesures que ces employés ou ces autorités jugeront nécessaires pour prévenir l'importation clandestine d'une partie de la cargaison.

Les mesures que le capitaine aurait prises de son chef, sans en avoir préalablement averti les employés, ou, en leur absence ou à leur défaut, l'autorité locale, et sans attendre leur intervention, ne

seront excusables qu'autant qu'il prouvera d'une manière incontestable que le salut du bâtiment ou de la cargaison en a dépendu.

Les marchandises déchargées quitteront le territoire des Pays-Bas, soit après avoir été rechargées dans le même navire d'où elles ont été retirées, soit au moyen d'allèges.

XXIV. Toutes importations ou exportations de denrées et marchandises, par les rives et côtes de l'Escaut occidental ou de ses embouchures, ainsi que tous allègements ou transbordements de denrées et marchandises, pratiquées sur l'Escaut occidental ou ses embouchures, sans que l'autorisation ait été obtenue, ou que les formalités, requises par l'Article précédent, aient été observées, seront punis des peines prononcées par la législation des Pays-Bas, en matière de droits d'entrée, de sortie et d'accises.

Le capitaine ne pourra pas, dans ces cas, invoquer la liberté de la navigation de l'Escaut, pour mettre, soit sa personne, soit les denrées ou marchandises, qu'il aurait importées, exportées, transbordées ou déchargées frauduleusement, à l'abri des poursuites dirigées contre lui de la part des employés des douanes, sans cependant qu'il puisse y avoir lieu de la part des employés des douanes, sans cependant qu'il puisse y avoir lieu à saisir, pour cause d'un pareil fait, le reste du chargement, qui n'aurait pas été l'objet de cette fraude, non plus que le navire, s'il n'a pas servi directement à l'importation ou à l'exportation frauduleuse, ni en général à sévir contre le capitaine d'une manière plus rigoureuse que ne l'ordonnent les lois générales en vigueur.

XXV. Toute tentative d'importation ou d'exportation frauduleuse par les rives et côtes de l'Escaut occidental et de ses embouchures, qui aura été manifestée par des actes extérieurs et suivie d'un commencement d'exécution, si elle n'a été suspendue ou n'a manqué son effet que par des circonstances fortuites ou indépendantes de la volonté de l'auteur, est considérée et punie comme l'importation ou l'exportation frauduleuse même.

XXVI. Les navires venant de la Belgique par l'Escaut ou le canal de Terneuzen, qui, après avoir mis en mer, seraient forcés, par suite de vents contraires ou par toute autre cause de force majeure, de rentrer en rade de Flessingue, Rammekens ou Terneuzen, sans avoir touché un autre port, seront affranchis de toutes formalités, par rapport aux douanes Néerlandaises, autres que celle d'une déclaration indiquant les motifs de la rentrée. Cette déclaration devra se faire en deans les 24 heures aux bureaux de Flessingue ou de Terneuzen. Faute de faire cette déclaration et de justifier, s'ils en sont requis, des motifs de la rentrée, les capitaines seront passibles des peines comminées par la législation des Pays-Bas contre ceux qui entrent en relâche forcée sans remplir les formalités prescrites par la loi.

XXVII. Les navires arrivant de la mer et venant stationner en

rade de Flessingue ou de Rammekens, pour y recevoir des ordres, ne seront assujettis, pendant le délai de 3 fois 24 heures, à aucune formalité par rapport aux douanes. Si, en déans ce délai, ils n'ont pas continué leur route par l'Escaut vers la Belgique, ils devront remplir les formalités prescrites par la loi à l'égard des navires entrant en relache forcée dans les ports des Pays-Bas.

XXVIII. Les navires venant de la pleine mer pour se rendre en Belgique, et *vice-versâ*, seront admis dans le port de Flessingue, en cas de relache forcée, soit pour hiverner, soit pour y opérer un déchargement partiel ou total pour cause de force majeure.

Ils y jouiront de toute la protection et de tous les avantages qui sont assurés par la législation en vigueur dans les Pays-Bas, aux bâtimens de toutes les autres nations, en se soumettant aux mesures de précaution contre la fraude, prescrites par la même législation.

Il est expressément entendu que le séjour dans ce port ne donnera lieu à aucun droit d'entrée, de sortie ou de transit.

XXIX. Les navires chargés de poudre à canon arboreront un pavillon rouge pour indiquer la nature de leur cargaison ; ils resteront, autant que faire se pourra, éloignés des côtes et rives, et ne pourront, sans autorisation, mouiller devant les villes, villages ou forts, situés sur les rives de l'Escaut ou de son embouchure, le tout sous peine d'une amende de 50 à 150 florins.

Les dispositions qui précèdent ne seront pas applicables aux navires qui n'auront à bord que les provisions ordinaires de poudre à canon pour leur usage particulier.

XXX. Le capitaine sera, dans tous les cas, responsable des amendes encourues pour contravention au présent règlement, par les gens de son équipage, sauf son recours contre ceux qui, par leurs faits ou omissions, y auront donné lieu.

XXXI. Si, pour cause de contravention aux dispositions du présent règlement, il y a lieu à saisie de marchandises, denrées, navire, chaloupe ou autres embarcations, il sera accordé, sans retard, mainlevée à la demande de la partie saisie, moyennant bonne et valable caution pour la valeur des objets saisis, et élection de domicile dans le Royaume des Pays-Bas.

Cette caution sera convenue entre l'employé le plus élevé en grade dans l'endroit où la saisie aura été pratiquée, et celui à charge de qui elle a été faite.

Si les contraventions n'entraînent qu'une amende, le contrevenant obtiendra de continuer immédiatement sa route, en donnant caution pour le montant de l'amende et en faisant élection de domicile.

XXXII. Toutes contestations au sujet du droit à percevoir sur la navigation de l'Escaut et de ses embouchures, des navires allant de la pleine mer en Belgique, ou *vice versa*, seront décidées en dernier ressort par des arbitres, sans qu'il puisse y avoir lieu à

opposition, appel, pourvoi en cassation, ou requête civile contre le jugement arbitral.

XXXIII. Les arbitres sont nommés, l'un par l'agent chargé de la perception du droit de navigation, l'autre par la partie qui refuse le paiement du droit réclamé, ou qui en demande la restitution.

En cas de refus de l'une des parties de nommer son arbitre, il est nommé d'office par le Président du Tribunal de Première Instance ci-après indiqué.

En cas de partage, les arbitres nomment un sur-arbitre, s'il n'est nommé par le compromis; si les arbitres sont discordants sur le choix, le sur-arbitre est nommé à la requête de la partie la plus diligente, par le Président du Tribunal de Première Instance, dans le ressort duquel est situé le bureau de perception.

XXXIV. La nomination des arbitres peut se faire par acte notarié, ou sous signature privée, ou par procès-verbal devant les arbitres choisis.

L'acte de nomination des arbitres désignera, à peine de nullité, les objets en litige et les noms des arbitres.

XXXV. Le siège du tribunal arbitral est dans la localité où est établi l'agent de la perception avec lequel la contestation est engagée.

Relativement aux contestations dont il s'agit, le Gouvernement Néerlandais est représenté par l'agent de la perception et choisit domicile à son bureau.

XXXVI. La procédure est instruite sommairement; les parties remettent leurs pièces ou mémoires aux arbitres sans aucune formalité de justice; la partie en retard de remettre les pièces et mémoires est sommée de le faire en déans les 8 jours.

XXXVII. Le jugement arbitral est motivé; il est déposé, en déans les 8 jours de sa date, au greffe du tribunal civil sus-indiqué; il est rendu exécutoire sans aucune modification et transcrit sur les registres, en vertu d'une ordonnance du Président du Tribunal.

L'opposition à l'ordonnance d'exécution, et la demande de nullité de l'acte qualifié jugement arbitral, pourront avoir lieu dans les cas et dans les formes tracés par les lois du pays où l'ordonnance aura été rendue.

XXXVIII. Les navires pourront, même en cas de contestation, continuer leur voyage, sans retards ou entraves, pourvu qu'il soit fait élection de domicile dans la localité où est établi le bureau de perception, et qu'il soit fourni, contradictoirement avec l'agent, caution solvable ou suffisante pour le paiement du droit.

XXXIX. En ce qui regarde la nomination, l'acceptation, la récusation et la révocation des arbitres, les délais, formalités, frais et autres conditions de l'arbitrage, on suivra les lois sur la matière, respectivement en vigueur dans le pays où le jugement arbitral sera

rendu, pour autant qu'il n'y ait pas été pourvu ou dérogé par les dispositions qui précèdent.

XL. Les dispositions du présent règlement ne seront applicables qu'aux navires venant de la mer pour se rendre en Belgique, ou *vice versa*, et ne concerneront que la partie de l'Escaut occidental dont les rives appartiennent au Gouvernement des Pays-Bas.

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

(ANNEXE A.—*Navigation sur l'Escaut et ses Embouchures.*)

Quittance No.

Reçu pour le navire
 capitaine
 mesurant tonneaux, suivant certificat de jauge No.
 allant à la mer
 venant de la mer
 la somme de
 Fr.

. le 1800.

*L'Agent, chargé de la perception du droit sur la
 Navigation de l'Escaut,
 (N.)*

Vu, pour être annexé au Règlement de l'Escaut.

(Suivent les signatures.)

(ANNEXE B.)—*Tarif des frais de Vacation et de Déplacement, pour la vérification du jaugeage des navires, assujettis au Droit de Navigation, stipulé au § 3 de l'Article IX, du Traité du 19 Avril, 1839.*

Vacation pour la vérification du jaugeage :

pour chaque expert f. 1.00 (fr. 2.12).

Vacation pour les contre-vérifications, en cas de désaccord entre les 2 experts-vérificateurs :

pour chaque expert f. 1.00 (fr. 2.12).

Frais de déplacement pour chaque expert, pour la distance entre la résidence des agents Néerlandais et les ports de chargement où le jaugeage sera effectué :

par lieue et pour chaque expert . f. 0.48 (1 fr).

pour le retour f. 0.48 (1 fr).

Vu, pour être annexé au Règlement de l'Escaut.

(Suivent les signatures.)

REGLEMENT pour l'Exécution de l'Article IX du Traité du 19 Avril, 1839, et du Chapitre II, Section II, du Traité du 5 Novembre, 1842, relativement au Pilotage et à la surveillance commune.

CHAPITRE I.—De l'Etablissement et de l'Administration des Services de Pilotage.

ART. I. Il sera au choix de tout navire, se rendant de la pleine mer en Belgique, ou de la Belgique en pleine mer, par l'Escaut ou le canal de Terneuzen, de prendre un pilote Néerlandais ou Belge, et il sera loisible, d'après cela, aux 2 pays, d'établir dans tout le cours de l'Escaut et à son embouchure, les services de pilotage qui seront jugés nécessaires pour fournir les pilotes.

Les 2 Gouvernements se procureront réciproquement toutes les facilités convenables, pour l'établissement sûr et commode de ces services.

II. Sans préjudice aux droits des 2 Gouvernements, résultant de l'Article IX, § 2, du Traité du 19 Avril, 1839, le Gouvernement Belge pourra établir une administration de pilotage à Flessingue, et en détacher à Terneuzen tel nombre de pilotes que les besoins de cette station lui paraîtront réclamer, pour les navires allant de la mer à Anvers ou à Gand, et *vice-versa*.

De son côté, le Gouvernement des Pays-Bas pourra établir une station de pilotes à Anvers, pour le service des navires à la descente.

Ces établissements seront légalement reconnus par les Gouvernements respectifs, qui leur accorderont aide et protection.

III. Celui des 2 pays qui établira de nouveaux services de pilotage, dans le cours de l'Escaut ou à son embouchure, en fera la notification à l'autre pays, par l'intermédiaire des commissaires chargés de la surveillance commune. Il lui donnera, en même temps, connaissance de tout ce qui pourra faire reconnaître et respecter les bateaux et les pilotes employés à ces services, et notamment des marques distinctives mentionnées aux Articles VII et X.

IV. Chacun des 2 Gouvernements aura la faculté d'admettre au pilotage de l'Escaut et de ses bouques, des pilotes de ses stations non situées sur ce fleuve, après qu'ils auront satisfait à ce qui est prescrit par l'Article V. Dans ce cas, ces pilotes seront aussi brevetés comme pilotes de l'Escaut.

Les Gouvernements se communiqueront réciproquement, de la manière indiquée à l'Article III, ces admissions et le signe adopté pour indiquer les bâtiments qui seront pourvus de semblables pilotes, comme aussi la marque distinctive des pilotes eux mêmes.

V. Les pilotes, soit de mer, soit de rivière, pour pouvoir être admis, par l'une ou l'autre des 2 administrations, au pilotage de l'Escaut et de ses bouques, devront remplir les conditions d'admission exigées par les règlements en vigueur dans le pays auquel appartiendra l'administration.

VI. Tout pilote, avant d'entrer en fonctions, devra s'engager par serment à se conformer strictement, dans son service, aux obligations qui lui sont imposées par le présent règlement, et à se conduire en bon, digne, honnête, et fidèle pilote.

Il sera fait mention sur le brevet, de la prestation de ce serment.

VII. Pour être reconnus en leur qualité, les pilotes porteront une marque distinctive ; la forme, les dimensions et les accessoires en seront déterminés par les règlements de chaque pays.

Les pilotes, dans l'exercice de leurs fonctions, seront tenus de porter cette marque d'une manière ostensible, et d'être munis de leur brevet, ainsi que des extraits des règlements sur le service du pilotage.

VIII. Il est laissé à la prudence de chaque administration d'arrêter telles dispositions qu'elle jugera convenables, quant à la faculté de piloter de nuit, en observant toutefois ce qui est prescrit au Chapitre IV concernant le service sanitaire.

IX. Les administrations respectives veilleront scrupuleusement à ce que les pilotes et autres individus attachés à leur service et chargés de piloter, ne s'abandonnent point à l'abus des liqueurs spiritueuses, mais surtout à ce qu'ils ne se permettent pas, étant en état d'ivresse, d'entreprendre le pilotage d'un bâtiment. Elles puniront rigoureusement les délinquants des peines prononcées par les règlements pour ces cas.

X. Les bateaux-pilotes porteront dans la partie supérieure de leur grande voile, sur les 2 côtés au-dessus de la bande du premier ris, le nom du lieu de leur station, visiblement peint en lettres noires, de 4 décimètres de hauteur, ou, si la voile n'a pas assez de largeur, seulement la lettre initiale de ce nom, plus le numéro donné au bateau.

Ce signalement sera répété sur l'arrière du bateau, et devra être repeint chaque année.

Les bateaux-pilotes arboreront, au haut de leur mat, un pavillon de 4 lès ordinaires de large, et de 3 mètres 20 centimètres de long, dans lequel sera cousu le même numéro, afin d'indiquer à quelle nation ils appartiennent. Ce pavillon sera bleu avec un numéro blanc pour les bateaux-pilotes Néerlandais, et rouge avec un numéro blanc pour les bateaux-pilotes Belges.

Ces bateaux pourront en outre arborer leur pavillon national.

XI. Les bateaux, canots et autres embarcations, servant uniquement à l'exploitation du pilotage, portant enseigne et légalement

reconnus comme tels, seront exempts de tous droits de port, quai et autres quelconques, imposés sur la navigation dans les 2 pays.

Ces mêmes embarcations pourront monter et descendre la rivière de nuit comme de jour.

XII. Les 2 administrations de pilotage auront la faculté d'introduire en franchise de tous droits de douane et autres, dans leurs stations respectives, les cordages, voilures, avirons, cables, chaines, ancres et autres objets de ce genre, appartenant au matériel du service de pilotage, pourvu que l'importation se fasse par des bateaux de ce service, et que le déchargement soit justifié au moyen d'un certificat du chef de l'administration locale du pilotage, énonçant la nature et la quantité des objets importés. Ce certificat sera, avant le déchargement, présenté aux employés des douanes, qui y apposeront leur visa, après en avoir reconnu l'exactitude.

Les objets ainsi introduits sur le territoire de l'un ou l'autre des 2 pays, seront déposés dans un local séparé; il en sera fait un inventaire sur lequel les mutations seront exactement annotées, de telle sorte que l'existant en magasin puisse toujours être reconnu par les employés des douanes qui, sur un ordre écrit de l'employé supérieur du lieu, se présenteront pour en faire le recensement.

XIII. Il sera tenu dans les bureaux des 2 pilotages, un registre, où les capitaines pourront inscrire les plaintes qu'ils se croiront en droit de faire contre les pilotes.

Les capitaines pourront aussi adresser leurs plaintes, par écrit, au chef de service du pilotage, qui les fera annexer au registre; il en sera donné connaissance aux pilotes inculpés, pour qu'ils puissent se justifier et, au besoin, inscrire ou faire annexer leur défense au même registre.

XIV. Chacun des 2 pays pourra prendre, à l'égard de son pilotage, telles dispositions particulières qu'il jugera utiles dans l'intérêt du service et de la navigation, pour autant qu'elles ne dérogent pas au présent règlement, et qu'elles ne constituent ni faveur ni immunités, de nature à faire accorder la préférence à l'un des 2 pilotages.

CHAPITRE II.—*Des Devoirs des Pilots et des Obligations des Capitaines.*

XV. Les pilotes des 2 nations se comporteront avec convenance, les uns envers les autres, dans l'exercice de leurs fonctions; ils éviteront soigneusement toute occasion de collision et tout sujet de plaintes mutuelles. Il leur est recommandé de se porter mutuellement, le cas échéant, secours, aide et assisance.

XVI. Le signal d'appel d'un pilote sera, pour les bâtiments de l'Etat, le pavillon destiné à cet effet. Les batiments marchands, non pourvus de ce pavillon, hisseront leur pavillon national au tenon du

mât de misaine, s'ils ont plus d'un mât, et au grand tenon, s'ils n'ont qu'un mât.

Les capitaines, pendant leur séjour en rade, ont la faculté d'adopter, de commun accord avec le chef des pilotes, un signal d'appel à convenir pour le bateau pilote.

XVII. Aucun pilote ne montera à bord d'un navire pour le piloter, avant d'y avoir été engagé par le capitaine ou patron. Lorsque des pilotes des 2 nations se présenteront en même temps pour offrir leurs services, ils attendront, avant de passer sur le navire, que le capitaine ou patron ait fait son choix entre eux.

XVIII. Aussitôt que le pilote sera à bord d'un navire, il fera amener le pavillon d'appel, pour faire connaître que le bâtiment est déjà pourvu d'un pilote ; faute de quoi il sera opéré, sur son salaire, une retenue de 6 florins (12 francs 70 centimes), au profit de chaque pilote qui se sera présenté pour conduire le navire.

XIX. Les pilotes seront tenus, en arrivant à bord, de faire constater, d'accord avec le capitaine, la hauteur où se trouve le navire. Ils s'informeront de son tirant d'eau, de sa marche, de la longueur des semelles de dérive, s'il en a, ainsi que de ses qualités et défauts, afin de pouvoir se régler en conséquence pour la manœuvre. Ils ne pourront jamais s'excuser d'avoir ignoré ces particularités.

Si les capitaines ne donnent pas ces indications avec la précision nécessaire, ils seront responsables des conséquences qui en résulteront.

XX. Il est expressément enjoint aux pilotes de se servir, autant que de besoin, de la sonde, ou de veiller à ce qu'on en fasse usage, lorsqu'ils sont chargés de piloter des navires. Tout pilote qui n'aura pas observé cette mesure de précaution, et qui, par là, ou par quelque autre négligence, aura occasionné quelque accident ou avarie au navire, pourra être poursuivi devant les tribunaux.

Dans tous les cas d'avaries graves, arrivées au bâtiment par la faute du pilote, il ne lui sera alloué aucun salaire ; l'administration en fera la restitution, si le droit de pilotage avait été payé à l'avance. Elle pourra également restituer la portion de ce droit qui lui revient.

Il en sera de même dans les cas prévus à l'Article XXVIII.

XXI. Il est interdit aux pilotes de former aucune association, soit pour naviguer à bénéfice commun, soit pour partager le salaire de pilotage, acquis par l'équipage d'un bateau, avec celui d'un autre bateau.

Toutefois, lorsque des bateaux-pilotes des 2 nations, se trouvant ensemble en mer, dans les bouques ou dans la rivière, rencontreront ou découvriront des navires en détresse ou ayant besoin de secours, les pilotes auront la faculté de leur prêter, concurremment, aide et assistance ; au besoin ils s'entendront pour déterminer lesquels des

bateaux-pilotes resteront sur les lieux, pour donner les secours ultérieurs.

Les salaires qui leur en reviendront, comme aussi les salaires acquis, pendant cette circonstance, par ceux des bateaux susmentionnés qui auront été désignés pour servir d'autres bâtiments se trouvant en mer, pourront être partagés d'une manière égale entre les équipages de ces divers bateaux, en raison du nombre d'hommes dont ils seront composés.

XXII. Tout pilote conduisant un navire aura soin, dès qu'il sera en vue de la station où il doit être relevé par un autre pilote, de faire arborer le pavillon d'appel, ainsi qu'il est prescrit à l'Article XVI, afin que le pilote de tour se prépare et n'occasionne aucun retard au navire.

Le pilote fera la manœuvre convenable pour faciliter l'arrivée à bord de celui qui doit le relever.

XXIII. Le pilote ne permettra pas qu'il soit mis du lest, des cendres ou des résidus de houille sur le pont, ou à portée d'être jetés à l'eau. Il s'opposera formellement à ce qu'il en soit versé dans les passes, rades, ports ou dans la rivière, et s'il s'aperçoit que, malgré sa défense, il en a été jeté à l'eau, il en rendra compte, aussitôt que possible, au chef de l'administration à laquelle il appartient.

Les pilotes qui négligeraient de faire immédiatement rapport de cette contravention, seront punis, selon l'exigence du cas.

Les capitaines délinquants seront punis d'une amende de 23 florins, 60 cents, ou 50 francs.

Il est défendu, sous la même peine, à tout capitaine de navire, d'embarquer dans le cours de fleuve du sable ou toute autre matière servant de lest, et d'augmenter ainsi le tirant d'eau de son bâtiment.

XXIV. Il est expressément enjoint aux pilotes de porter secours, par tous les moyens possibles, aux navires en détresse ou en danger, en observant toutefois ce qui est prescrit à l'Article XXV. Il leur est défendu de faire au préalable, pour cet objet, aucune stipulation de salaire, ou d'exiger aucune promesse, lesquelles, en tout cas, seront nulles.

Néanmoins une récompense extraordinaire est due par le capitaine du navire aux pilotes et à leurs aides, qui auront sauvé d'un péril imminent, à l'aide d'un ou de plusieurs bateaux pilotes, un navire démâté, privé de son gouvernail ou de ses ancres, ou ayant d'autres avaries graves.

Cette récompense, toujours proportionnée aux travaux qu'ils auront faits et aux dangers qu'ils auront courus, sera, autant que possible, réglée de gré à gré, entre les parties intéressées, par l'intervention de l'administration à laquelle appartiennent les pilotes, et par les commissaires permanents, dans le cas de concours des pilotes des 2 pays.

Les capitaines ayant besoin de secours ne pourront refuser les pilotes de l'une ou l'autre des 2 nations, qui se seront présentés les premiers pour les secourir.

XXV. Il est sévèrement interdit à tous pilotes, pêcheurs ou autres marins, de monter, sous quelque prétexte que ce soit, à bord d'un navire, même en détresse, à moins d'y être autorisés par le capitaine ou par les gens de l'équipage qui seraient restés à bord.

Les susdits pilotes, pêcheurs ou autres marins se garderont surtout de mettre la main aux mâts, cordages ou autres agrès, et de s'arroger aucune autorité, quand même le bâtiment serait échoué ou rempli d'eau, sans en avoir obtenu l'autorisation expresse du capitaine ou des gens de l'équipage restés à bord. Sans cette autorisation, les pilotes ou autres individus appelés ne pourront se permettre de démonter les écoutilles, de débarquer et transporter des objets qui se trouvent à bord.

XXVI. Tout pilote sera tenu de demander aux capitaines ou commandants des navires qui arrivent, s'ils ont de la poudre à canon à bord, et en quelle quantité; il en fera immédiatement rapport, s'il y a lieu, au capitaine du port de destination, sans préjudice des obligations imposées par les lois sur le transport des poudres à tirer.

Les pilotes seront tenus, en outre, d'avertir les capitaines qu'avant d'entrer en rivière ou en rade, ils aient à faire ôter la charge à boulets ou autres projectiles des bouches à feu, dont leurs bâtiments pourraient être armés.

XXVII. Il ne pourra passer à bord d'un navire qu'un seul pilote, à moins que, pour plus de sûreté, le capitaine n'en demande expressément un second, pour lequel il ne sera dû que la moitié du droit de pilotage. La demande du capitaine devra être constatée par écrit.

XXVIII. Sous peine d'encourir la retenue prévue à l'Article XX, et sans préjudice des peines à leur infliger par les tribunaux compétents, les pilotes ne pourront quitter le navire qu'ils conduisent, sans le consentement du capitaine, avant qu'il soit en sûreté là où ils sont obligés de le conduire.

Il leur est de même interdit d'abandonner les navires allant à la mer, avant qu'ils soient au-delà des dangers ou des dernières bouées.

Les capitaines, de leur côté, ne peuvent retenir les pilotes au delà du passage des dangers, ainsi qu'au-delà de l'endroit où ceux-ci doivent les conduire.

XXIX. Lorsqu'un pilote, à bord d'un navire destiné pour la Belgique, ne sera plus qu'à une lieue (de 20 au degré) de distance de la dernière bouée de la passe de l'Escaut occidental, par laquelle il veut entrer, il fera arborer à ce navire son pavillon national, mais non au haut du mât, où s'arbore le signal d'appel d'un pilote.

De même au passage de chaque station de pilotage de l'un ou

de l'autre pays, tant à la remonte qu'à la descente de la rivière, le navire devra arborer son pavillon national.

Les capitaines auront à se conformer à ces dispositions.

XXX. Tout pilote, conduisant un navire venant de la mer, sera tenu, si le capitaine lui en fait la demande, de le conduire directement en rade de Rammekens.

De même les navires à la descente qui voudront aller stationner, soit en rade de Flessingue, soit à Rammekens pour y attendre un vent favorable à la sortie, y seront conduits directement par les pilotes de rivière.

Dans l'un comme dans l'autre cas de conduite directe du navire en rade de Rammekens, il n'y aura pas lieu à augmentation de droits.

XXXI. Les capitaines et leurs équipages doivent traiter les pilotes avec égards. Pendant leur séjour à bord, les capitaines seront tenus de leur fournir gratis la nourriture nécessaire et de pourvoir à leur logement. Ils s'abstiendront particulièrement de les entraver dans l'exercice de leurs fonctions; si cependant les capitaines agissent contrairement aux indications du pilote, et que celui-ci déclare, en présence de l'équipage, qu'il ne répond plus de la sûreté du navire, ils seront, dès ce moment, responsables de tous accidents quelconques. A son retour, le pilote en fera rapport au chef du pilotage de sa station.

XXXII. Les capitaines, à l'entrée comme à la sortie, seront tenus de remplir et de signer le certificat que leur présentera le pilote, constatant qu'ils ont été dûment pilotés. Ce certificat sera conforme au modèle arrêté par les règlements du pays auquel appartient le pilote.

Si le bâtiment a été mal piloté, ou s'il a touché, le capitaine devra en faire mention sur le certificat.

XXXIII. Les pilotes sont obligés de veiller à ce que, autant que faire se pourra, les ancres abandonnées soient convenablement garnies de bouées et d'orins.

Immédiatement après leur retour, ils feront rapport de cet abandon à leur administration, qui en donnera, s'il y a lieu, connaissance à l'administration du pays dans les eaux duquel se trouvent les ancres. Cette administration se chargera de faire lever ces ancres, si les intéressés, ou les personnes à ce commises par eux, ne l'ont pas fait dans les 15 jours; même après ce délai, les intéressés pourront encore faire lever leurs ancres aussi longtemps que l'administration du pilotage ne se sera pas mise en devoir de le faire.

Si des ancres non réclamées par les ayants-droit sont accidentellement levées dans les eaux Néerlandaises par des pilotes Belges, ceux-ci seront obligés de les délivrer à l'administration maritime des Pays-Bas, pourvu qu'il soit reconnu que ces ancres proviennent d'elle

et, dans le cas contraire, aux fonctionnaires Néerlandais de l'administration de sauvetage des épaves. Dans l'un et l'autre cas, les dits pilotes obtiendront la récompense à laquelle ils ont droit.

Réciproquement, si les pilotes Néerlandais ont accidentellement levé des ancres non réclamées par les ayants-droit, dans les eaux de la Belgique, ils en feront la délivrance à l'autorité compétente de ce pays, contre la récompense fixée à cet effet.

XXXIV. Les administrations des 2 pays veilleront à ce que les pilotes sondent de temps à autre les passes de l'Escaut et de son embouchure, pour se tenir exactement au courant des variations des profondeurs, ainsi que de la configuration des bancs. Cette opération devra surtout avoir lieu après de grandes tempêtes et à la suite des grandes marées de l'équinoxe.

De même les pilotes porteront leur attention sur les bouées et balises, et dans le cas où ils remarqueront que les passes sont changées, ou que des bouées ou balises ont disparu ou sont mal placées, ils en donneront connaissance immédiate aux employés supérieurs de la station à laquelle ils appartiennent.

Les pilotes seront également chargés d'observer les feux des côtes et autres, et de porter à la connaissance de leurs supérieurs le résultat de leurs observations.

CHAPITRE III.—*Du Payement des Droits de Pilotage, de Séjour et autres.*

XXXV. Tout capitaine ou patron de navire, se rendant de la pleine mer en Belgique, ou de la Belgique en pleine mer, par l'Escaut ou le canal de Terneuzen, ne se trouvant pas dans les cas exceptionnels prévus par l'Article XLVIII, sera tenu de prendre un pilote de l'un ou de l'autre des 2 pays, sous peine de répondre de toutes les conséquences de son refus. S'il ne prend pas un pilote qu'il a été à même de se procurer, il n'en sera pas moins tenu au payement des droits établis par le tarif, lesquels seront partagés, par moitié, entre les administrations des 2 pilotages.

La même disposition s'appliquera au cas où un capitaine, après avoir refusé le pilote qui se présentait à lui, pour faire choix d'un pilote de l'autre nation, n'aura pas trouvé de pilote de cette dernière nation.

Tous navires entrant dans l'Escaut et n'ayant pas une destination déterminée et définitive pour un port Néerlandais, seront censés se rendre en Belgique.

XXXVI. Le droit de pilotage, sauf les cas exceptionnels prévus au présent règlement, sera payé conformément au tarif annexé au présent règlement, en raison du tirant d'eau des navires, et d'après les saisons d'hiver et d'été.

La saison d'hiver commence au 1er Octobre et celle d'été au 1er Avril, de manière que le pilotage d'été sera payé pour une course commencée avant le 1er Octobre, et celui d'hiver pour une course entreprise avant le 1er Avril.

Les bâtiments qui, se trouvant dans la *Manche* ou dans le *Pas de Calais*, prendront un pilote, pour être conduits aux stations de l'Escaut de l'un ou de l'autre pilotage, auront à payer moitié en sus du droit de pilotage ordinaire de la mer à Flessingue, plus 30 florins ou 63 francs 50 centimes, quel que soit le tirant d'eau du navire.

Des droits de pilotage seront les mêmes pour les navires de toutes les nations.

XXXVII. Le tirant d'eau, d'après lequel se règlera le droit de pilotage, sera constaté aux stations respectives d'Anvers, tant pour les navires partant de là pour la mer, que pour ceux qui viennent de la mer en destination de ce port.

Le tirant d'eau des bâtiments destinés pour Gand sera pris aux stations de Terneuzen; quant à ceux qui seront destinés pour un port Belge en amont d'Anvers, ou qui en viendront, ce tirant d'eau sera constaté à leur passage devant Anvers.

Cette opération se fera, dans ces divers lieux, en présence du capitaine ou de son second, et par un mesureur préposé à cette fin par l'administration du pilotage auquel appartient le pilote. Elle aura lieu, autant que faire se pourra, dans une eau tranquille, et il sera payé de ce chef un droit de 25 cents (53 centimes) par navire.

Les administrations de pilotage des stations de mer se rapporteront réciproquement à la déclaration que leur fourniront les pilotes de rivière, quant au tirant d'eau constaté à Anvers ou à Terneuzen, des navires destinés pour la mer.

XXXVIII. Si, pendant la course de pilotage, le bâtiment se trouve dans la nécessité de charger ou de débarquer des marchandises, le droit de pilotage sera calculé sur le tirant d'eau qu'aura eu le navire, après avoir chargé ou avant d'avoir débarqué ces marchandises.

XXXIX. Les capitaines ou patrons de navires, prenant des pilotes hors des bouques, payeront le droit de pilotage entier; s'ils n'ont pas voulu faire usage des pilotes stationnés hors des bouques, ils n'en payeront pas moins le droit entier.

S'il ne se trouve point de pilotes hors des bouques, ou s'il est démontré que les capitaines ou patrons ont été dans l'impossibilité d'employer leurs services, aucun droit de pilotage ne sera dû.

Si les capitaines sont parvenus jusqu'en deçà de la dernière bouée sans avoir rencontré un pilote, et qu'ensuite ils en prennent un à leur service, ils seront tenus de payer la moitié du droit total de

pilotage ; s'ils ne font pas usage des pilotes qui se présentent à eux en deçà de la dernière bouée, ils n'en payeront pas moins la moitié du droit.

S'il est prouvé, que le capitaine ou patron d'un bâtiment n'a point trouvé de pilote en deçà de la dernière bouée, ou qu'il a été dans l'impossibilité de s'en servir, il sera exempt du paiement du droit.

XL. Les pilotes ne pourront exiger une plus forte somme que celle portée au tarif. S'il leur avait été payé davantage il serait fait restitution des sommes perçues en trop, sans préjudice des peines à leur infliger, s'il y a lieu.

Pareillement, il leur est interdit de réclamer aucune gratification, sous quelque prétexte que ce soit.

Si par suite de services extraordinaires, les pilotes ont mérité une récompense, elle sera fixée de la manière prescrite à l'Article XXIV.

XLI. Si des pilotes appartenant à d'autres localités, et admis en même temps au pilotage de l'Escaut, y conduisent un navire, il leur sera payé par le capitaine ou patron, outre les droits de pilotage, des frais de voyage à raison de 47 cents ou un franc par lieue (de 20 au degré) de distance entre l'endroit où le navire aura été amené et leur résidence.

XLII. Les bâtiments qui, ayant été pilotés à la sortie, seront obligés de revenir, en déans les 24 heures, en relâche forcée, dans le port d'où ils ont appareillé, ou seulement de rentrer dans la rivière, après avoir mis en mer, sans avoir rompu charge, ne payeront au même pilotage, tant à la rentrée qu'à la seconde sortie, que les 3 quarts du droit.

Dans ce cas, l'administration de l'autre pilotage aura la faculté de ne percevoir aussi que les 3 quarts du droit.

XLIII. Si un bateau pilote, soit par le mauvais temps, soit par d'autres circonstances, n'a pu faire passer de pilote à bord d'un bâtiment, mais l'a néanmoins piloté en navigant avec lui, le droit de pilotage en entier sera dû.

Tout navire qui, n'ayant pas de pilote à bord, est cependant piloté par un bâtiment sous voile à bord du quel se trouve un pilote, ne payera que les 3 quarts du droit de pilotage.

XLIV. Outre la table et un logement convenable, tout pilote aura droit à 2 florins ou 4 francs 23 centimes par jour, dans les cas suivants :

1°. Lorsqu'un capitaine se décidera, pour la sûreté de son navire, à prendre ou à conserver à bord un pilote ;

2°. Lorsque le pilote ayant achevé sa course de pilotage, sera empêché par le gros temps de quitter en rade le bord du navire ;

3°. Lorsqu'un bâtiment, pendant la course de pilotage, échouera ou sera retenu par le gros temps ou autres accidents, sans qu'il y ait

de la faute du pilote, mais seulement dans le cas où la durée de ce séjour forcé dépassera 3 jours, le payement des frais de séjour ne devenant obligatoire qu'à dater de la quatrième journée ;

4°. Lorsqu'un capitaine, ayant déjà le pilote à bord, différera de mettre à la voile quoique les circonstances permettent son départ ;

5°. Lorsque les pilotes seront forcés de rester en quarantaine avec des navires ; dans ce cas, la rétribution de 2 florins ou 4 francs 23 centimes sera exigible du moment où le pilote de mer, resté à bord, aurait dû être relevé, et il lui sera de plus alloué, à titre de frais de route pour son retour à sa station, 36 cents ou 75 centimes par lieue (de 20 au degré).

6°. Lorsque, par suite de son fort tirant d'eau, un bâtiment se trouvera forcé d'alléger, ou que, pendant sa course de pilotage, il s'arrêtera pour embarquer encore des marchandises ;

7°. Lorsqu'un pilote n'aura pu être débarqué, et que le capitaine, par suite du temps ou du vent, se trouvera dans l'obligation de le mener en mer avec lui. Dans ce cas, si le séjour du pilote à bord se prolonge au delà d'un mois, il n'aura plus droit qu'à un florin 42 cents, ou 3 francs par jour.

Le capitaine est tenu de débarquer sans frais le pilote dès que l'occasion s'en présentera, et de lui payer, pour frais de route et de nourriture jusqu'au lieu de sa station : 47 cents, ou 1 franc par lieue (de 20 au degré), s'il le dépose dans un port de sa nation ; 1 florin (2 francs 12 centimes) par lieue, s'il le dépose en pays étranger ; 47 cents (1 franc) par lieue, si le pilote passe en mer à bord d'un bâtiment se rendant au port d'où dépend le pilote, et 1 florin (2 francs 12 centimes), s'il se rend dans un autre port de la nation à laquelle il appartient.

Les pilotes de rivière qui conduiront les navires de Flessingue à Terneuzen ou à Anvers, et *vice versa*, n'auront droit à aucune indemnité pour frais de retour.

XLV. Si un capitaine a engagé un pilote, et que plus tard il le congédie, ou que, sans en être empêché par les vents contraires, il tarde à mettre à la voile, le pilote aura droit à 2 florins ou 4 francs 23 centimes par jour, à partir de celui où il aura été retenu jusqu'au jour où il aura été congédié, ou jusqu'à celui où le navire aura pu appareiller.

XLVI. Si, par suite de circonstances imprévues, telles que vents contraires, mauvais temps, avaries, gelées, charriage de glaces, un pilote se trouve dans l'impossibilité d'atteindre le terme de sa course, soit en allant à la mer sans être arrivé en travers de la dernière bouée, soit en naviguant sur la rivière, et qu'il soit obligé, de l'aveu du capitaine, de retourner au point de départ, le droit de pilotage sera payé en raison de la distance parcourue. Cependant, si, ne sortant, le navire est arrivé en travers de la dernière bouée, et qu'il soit con-

traint de revenir, il sera payé la moitié du droit de pilotage fixé par le tarif pour la sortie.

XLVII. En cas de charriage de glaces, le droit de pilotage sera double.

Il est bien entendu que charriage de glaces signifie non pas l'existence de quelques glaçons flottants, mais d'une quantité de glace assez considérable, pour que la marche des navires en soit sensiblement entravée, et qu'il en résulte quelque danger pour la course de pilotage.

Il sera également payé double droit de pilotage pour les navires très difficiles à gouverner, faute d'une quantité suffisante de lest, ou par quelque avarie au gouvernail ou aux agrès, laquelle, sans compromettre sérieusement le navire, rend le pilotage beaucoup plus dangereux.

L'appréciation des cas dont il s'agit au présent Article, est laissée à l'arbitrage de l'administration du pilotage auquel appartient le pilote.

XLVIII. Ne seront pas soumis à l'obligation de prendre un pilote :

- 1°. Les bâtiments de guerre ;
- 2 . Les navires ou bâtiments de mer sur lest, dont le tirant d'eau n'atteint pas 15 décimètres ;
- 3°. Les navires faisant le cabotage dans le fleuve ;
- 4°. Les navires ou bateaux des 2 nations, faisant la pêche du hareng, de la morue, ou du poisson frais, ou servant au transport de la marée fraîche, ou de poisson salé. Si les patrons des bâtiments de cette dernière catégorie préfèrent se servir d'un pilote, ils payeront la moitié du droit fixé.

XLIX. Il ne sera perçu aucun droit ou aucune autre somme relatif au pilotage, sans qu'il en soit délivré quittance dûment signée aux capitaines ou à leurs consignataires.

L. Afin d'assurer aux administrations respectives le payement des droits de pilotage, les receveurs des douanes ne délivreront aux capitaines ni décharge, ni déclaration de sortie, aussi longtemps qu'ils n'auront pas payé ces droits, tant pour l'entrée que pour la sortie, ou fourni caution satisfaisante au profit de qui il appartiendra.

Si un capitaine, ayant fait choix d'un pilote de l'un des 2 pays pour le conduire jusqu'en mer, se décidait, avant de mettre en mer, à prendre un pilote de l'autre pays, il en fera la demande ou l'appel conformément à l'Article XVI. Dans ce cas le droit payé ou cautionné pour le pilotage de mer passera en faveur de l'administration qui aura fourni le pilote, et ce sur la production du certificat exigé par l'Article XXXII.

LI. Les capitaines auront la faculté de former, dans le délai de 6 mois après le payement du droit, toutes les réclamations qu'ils

jugeront convenables, pour obtenir la restitution de ce qu'ils croiraient avoir été indûment perçu.

Réciproquement, l'administration du pilotage pourra réclamer des capitaines ce qui n'aurait pas été payé, soit par erreur, soit par toute autre circonstance, en déans les 6 mois, à dater du jour que le droit aurait dû être payé.

CHAPITRE IV.—*Du Service Sanitaire.*

LII. Le régime sanitaire, appliqué aux provenances suspectes, sera, autant que possible, le même pour les 2 pays.

Les commissaires chargés de la surveillance commune se communiqueront réciproquement, aussitôt qu'ils leur auront été notifiés, tous les arrêtés ou instructions de leurs Gouvernements respectifs, déterminant les pays dont les provenances par mer doivent être habituellement ou temporairement considérées comme suspectes de contagion, ainsi que les mesures de précaution que chacun des 2 Gouvernements aura jugé convenable de prendre à l'égard de ces provenances.

LIII. En conséquence de ce qui aura été statué par le Gouvernement de l'un et de l'autre pays, des ordres seront donnés aux pilotes des 2 nations par les administrations auxquelles ils appartiennent, pourqu'ils aient à se conformer aux dispositions de l'Article LIV, à l'égard de tout bâtiment arrivant de pays dont les provenances sont déclarées soumises à un régime sanitaire quelconque, soit par les 2 Gouvernements, soit seulement par l'un d'eux.

Si les navires sont destinés pour Anvers, il sera loisible au Gouvernement Néerlandais de les faire accompagner, sur son territoire, d'un garde de santé. Il lui sera également loisible de faire rester à bord le pilote de mer, jusqu'à l'admission à libre pratique par l'autorité Belge.

Cependant, au cas où le bâtiment n'est sujet à quarantaine qu'en Néerlande, ou bien seulement en Belgique, le pilote, s'il appartient au pilotage Néerlandais, sera débarqué en rade de Flessingue, pour, dans le premier cas, y être assujéti aux mesures sanitaires jugées convenables. Les navires destinés pour la Belgique, par le canal de Terneuzen, subiront, en rade de Rammekens, ou dans tout autre endroit sûr et commode à convenir, les mêmes mesures de quarantaine ou d'observation auxquelles seront assujétis les bâtiments destinés pour la Néerlande; et si, en raison de leur provenance, ils n'ont qu'à subir la simple visite sanitaire, elle aura lieu à leur passage devant Flessingue avec toute la promptitude possible. Toutefois il sera facultatif aux bâtiments se rendant en Belgique par le canal de Terneuzen, d'aller de préférence à la station Belge sur l'Escaut purger la quarantaine qu'ils auraient dû subir dans les Pays-Bas, après quoi ces bâtiments pourront passer librement par le susdit canal.

LIV. Tout pilote, pêcheur ou autre marin, avant de passer à bord d'un navire qui se trouve en mer, ou qui en vient, soit à l'effet de le piloter, soit pour tout autre motif, est tenu de le hêler et de s'enquérir de son nom, de celui du capitaine, du port d'où il vient et du lieu de sa destination, ainsi que de toutes autres circonstances qu'il importe de connaître.

Si le navire vient d'un pays considéré comme suspect de contagion, d'après les lois et arrêtés de l'un ou de l'autre Gouvernement, le pilote qui le conduira, soit en naviguant devant lui, soit après être monté à bord, aura soin de faire hisser immédiatement le pavillon de quarantaine décrit à l'Article LV. Si'il est destiné pour Anvers, le pilote, à son arrivée devant Flessingue, se conformera à ce qui est prescrit par l'Article LVI, pour faciliter l'accompagnement du navire par un garde de santé, et le bâtiment, muni de son pilote de rivière, pourra immédiatement continuer sa route pour la station Belge, destinée aux visites et précautions sanitaires. Si le navire se rend en Belgique par le canal de Ternouzen, le pilote de mer le conduira directement soit à la station Néerlandaise de quarantaine indiquée à l'Article LIII, soit à la station Belge, conformément à la stipulation du même Article, à moins que le bâtiment ne doive être soumis qu'à la simple visite d'observation en rade de Flessingue.

Tout pilote, soit de mer, soit de rivière, conduisant un navire venant d'endroits suspects sous le rapport sanitaire, empêchera, pendant sa course de pilotage, toute communication avec ce bâtiment. Faute par lui d'observer scrupuleusement les mesures de précaution prescrites, il sera puni, selon l'exigence des cas, sans préjudice des peines prononcées par les lois et arrêtés concernant le service sanitaire. La même disposition est applicable à tout pêcheur ou marin faisant fonctions de pilote.

Les capitaines seront tenus, en tout ce qui les concerne, de se conformer exactement aux dispositions du présent Article.

LV. Le signal de quarantaine consiste en un pavillon jaune, arboré au grand tenon. Les navires qui sont dépourvus de ce pavillon, feront flotter leur pavillon national dans les haubans du petit perroquet ou du petit hunier; s'ils n'ont qu'un mât, ce pavillon sera arboré dans la partie supérieure des bas-haubans.

LVI. Les navires arrivant de la pleine mer pour se rendre à Anvers par l'Escaut occidental, et venant d'endroits suspects sous le rapport sanitaire, ayant la faculté de continuer leur route, sans entrave ni retard, accompagnés d'un garde de santé, les pilotes sont tenus de commander ou de faire commander les manoeuvres, les plus convenables à cet effet. Si, non-obstant les dites manoeuvres, le garde de santé ne se présente pas, les susdits navires pourront continuer leur route pour leur destination.

LVII. Les frais et formalités relatifs aux mesures de quarantaine, ainsi qu'aux visites d'observation auxquelles les bâtiments, se rendant en Belgique par le canal de Terneuzen, sont assujettis dans les eaux Néerlandaises, seront les mêmes que pour les navires en destination des ports Néerlandais.

CHAPITRE V.—*Du Contentieux et de la Juridiction.*

LVIII. Les contestations relatives aux droits de pilotage, salaires et indemnités des pilotes, seront, autant que possible, terminées à l'amiable par l'intervention des chefs respectifs du pilotage. Dans le cas où les efforts de ces derniers seraient infructueux, les parties seront engagées, par tous les moyens possibles de persuasion, à soumettre la décision à des arbitres. En cas de refus d'arbitrage, ces contestations seront jugées par le tribunal de commerce dans le ressort duquel est le siège principal de l'administration à laquelle les pilotes appartiennent. Si les contestations intéressent les 2 pilotages, elles seront décidées par le tribunal de commerce d'Anvers. Si l'une des 2 administrations seulement veut contester, les frais seront à sa charge exclusive; dans le cas contraire, les frais et les conséquences seront supportés en commun.

LIX. Les contraventions au présent règlement commises par les pilotes ou autres personnes employées au service du pilotage, seront jugées et punies d'après les dispositions de la loi du 6 Mars, 1818, par le tribunal correctionnel dans le ressort duquel est le siège principal de l'administration à laquelle appartiendront les contrevenants, sans préjudice des peines de discipline que chaque administration pourra infliger à ses pilotes.

Les amendes infligées à l'équipage d'un bateau pilote seront supportées proportionnellement par tous les hommes qui en font partie, en raison de la quote-part attribuée à chacun d'eux dans les salaires de pilotage.

LX. Les contraventions au présent règlement, commises par les capitaines ou patrons de navire et leurs équipages, pour lesquelles aucune peine spéciale n'a été prononcée, seront punies, selon la gravité des cas, d'une amende de 9 florins 45 cents à 47 florins 25 cents, ou 20 à 100 francs. Les dites peines, ainsi que celles spécialement déterminées au présent règlement, seront infligées par le tribunal correctionnel du port de départ ou d'arrivée en Belgique.

LXI. Une expédition de tous les jugements et arrêts, rendus en matière de pilotage par les tribunaux et cours de l'un des deux pays, sera adressée au Gouvernement de l'autre pays, pour autant que celui-ci ait intérêt à les connaître.

CHAPITRE VI.—*Dispositions Générales.*

LXII. Sauf les cas prévus ci-après, il est interdit à quiconque n'est pas breveté de pilote, aux termes du présent règlement, de se présenter aux navires, en quelque occasion que ce soit, pour les piloter et surtout d'y remplir les fonctions de pilote.

Tout individu non pourvu de brevet, qui n'observerait pas les dispositions du présent Article, et par la faute duquel un navire aurait éprouvé quelque accident ou avarie, sera puni, suivant l'exigence du cas, de la manière que le serait un pilote breveté, et le droit de pilotage qu'il aurait reçu sera restitué pour être partagé par moitié entre les 2 pilotages.

Toutefois il est permis aux pêcheurs et autres gens de mer, lorsqu'aucun bateau-pilote n'est en vue, de piloter les navires à l'entrée, pourvu que les capitaines désirent faire usage de leurs services.

Tout capitaine piloté par un pêcheur ou autre marin sera tenu, dès qu'un pilote breveté se présentera, de la prendre à bord. S'il s'y refuse, ou s'il fait ou ordonne des manoeuvres pour esquiver le bateau-pilote, il sera passible du droit de pilotage comme si le pilote l'eût conduit.

LXIII. Les pilotes non admis au pilotage de l'Escaut, ou autres gens de mer qui, en conformité de l'Article LXII, auraient entrepris de piloter un navire dans les passes de ce fleuve, seront tenus de faire les manoeuvres convenables pour faciliter l'arrivée à bord du pilote qui se présenterait pour les remplacer, et ce sous peine de la retenue de leur salaire au profit de ce même pilote et de la caisse du pilotage.

LXIV. Tout pêcheur ou marin qui aura piloté un navire, est tenu d'en donner connaissance aux chefs respectifs des stations de pilotage où il aura abordé.

LXV. Il est défendu à tous pêcheurs ou gens de mer d'arborer le pavillon distinctif des pilotes de l'un ou de l'autre pays, ou tout autre pavillon qui y ressemble.

LXVI. Toutes épaves, tout navires et bâtiments abandonnés seront fidèlement délivrés par les pilotes aux fonctionnaires préposés à cet effet dans le pays dans les eaux duquel ces épaves auront été trouvées. Si elles sont rencontrées en mer, la délivrance s'en fera par les pilotes à l'autorité de leur pays, et au cas de concours dans les opérations de sauvetage par les pilotes des 2 nations, les épaves seront délivrées à l'autorité du lieu, où, d'après les circonstances, on pourra les conduire avec le plus de facilité et de promptitude. Les pilotes pourront faire valoir leurs droits à la récompense de sauvetage, qui sera fixée par le juge si les partis ne peuvent en convenir.

CHAPITRE VII.—*De la Surveillance Commune.*

LXVII. La surveillance commune, ainsi qu'elle se trouve définie au § 2 de l'Article IX du Traité du 19 Avril, 1839, sera applicable tant à ce qui existe qu'à ce qui sera établi ultérieurement. Elle sera exercée, soit conjointement, soit séparément, par les commissaires institués à cette fin, et de la manière déterminée ci-après.

LXVIII. Les commissaires se réuniront au moins une fois par trimestre, alternativement à Anvers et à Flessingue. Ces réunions auront lieu à des jours convenables et à déterminer entre eux d'un commun accord.

Elles auront principalement pour but l'inspection générale, tant des bouées, balises et passes navigables, que des services de pilotage dans les limites tracées par les Articles LXIX et LXXI ci-après. Dans ces réunions, les commissaires arrêteront en commun toutes les mesures que l'intérêt de ces divers services pourra réclamer, en tant que ces mesures rentrent dans le cercle de leurs attributions. Si elles excèdent leurs pouvoirs, il en sera par eux référé à leurs Gouvernements respectifs.

Outre ces réunions périodiques, les Commissaires de l'un et de l'autre pays pourront, lorsqu'ils le jugeront utile, provoquer d'autres assemblées, qui se tiendront aussi alternativement à Anvers et à Flessingue ; dans ce cas ils seront tenus de convoquer réciproquement 8 jours à l'avance, en faisant connaître le but et les motifs de la réunion.

LXIX. Les 2 Gouvernements s'étant engagés à conserver les passes navigables de l'Escaut et de son embouchure, et à y placer et y entretenir les balises et bouées nécessaires, chacun pour sa partie du fleuve, les commissaires, dans leurs inspections à faire toutes les fois qu'ils le trouveront convenable, soit conjointement, après s'être concertés à cet effet, soit individuellement, observeront avec soin tous les changements qui pourraient s'être opérés dans les fonds et passes ordinaires, en examinant si, par suite de ces changements, les bouées et balises se trouvent encore placées convenablement et en nombre suffisant. Ils s'assureront également si, par d'autres causes des bouées ou balises ne se trouvent plus à leur place, ou pourraient être mieux et plus sûrement établies.

Lorsque les Commissaires des 2 Gouvernements se trouveront réunis, il sera dressé procès-verbal en double expédition du résultat de leur inspection, et, s'il y a lieu, ils y consigneront leurs propositions relatives aux améliorations à introduire dans ce service, après avoir, pour autant que de besoin, consulté à cet égard les chefs ou les pilotes les plus expérimentés de l'un et de l'autre pilotage.

En cas de désaccord entre les Commissaires des 2 Gouvernements, sur la manière de voir, ainsi que sur les mesures à prendre, il sera

fait mention au procès-verbal de l'opinion des uns et des autres. Si les Commissaires du Gouvernement auquel incombe l'obligation d'entretenir les bouées et balises, reconnaissent qu'il est urgent de prendre des mesures, ils auront soin d'y faire procéder le plus promptement possible, soit par l'administration du pilotage appartenant au dit Gouvernement, soit par l'entrepreneur du balisage. S'il n'y a point d'urgence, les Commissaires en référeront respectivement à leurs Gouvernements.

Les commissaires des 2 Gouvernements, dans leurs inspections individuelles, trouvant quelque dérangement dans le balisage ou des changements dans les fonds et passes navigables, en informeront, sans délai, leurs collègues, et, en cas de besoin se réuniront, afin de reconnaître le fait signalé et d'agir de concert pour les mesures à prendre, ainsi qu'il est prescrit ci-dessus et dans l'Article LXVIII.

LXX. Tous les changements que les commissaires conviendront d'opérer dans le système de l'établissement des bouées et balises, en aval d'Anvers jusqu'en pleine mer, seront par eux marqués sur le plan du relevé qu'ils en ont fait conjointement, afin que ce plan indique toujours la situation existante des bouées et balises.

Ce plan, fait en double et signé par les commissaires respectifs, sera de part et d'autre gardé en dépôt.

LXXI. La surveillance commune du pilotage ne s'étendra pas au delà du service actif des pilotes. En conséquence cette surveillance aura seulement pour but de s'assurer que les pilotes de l'un et de l'autre Gouvernement remplissent leurs devoirs, conformément aux dispositions réglementaires communes aux 2 pays.

Les Commissaires s'entendront pour faire conjointement les enquêtes nécessaires, à l'effet, s'il y a lieu, de constater l'inconduite, les négligences, l'impéritie, les délits et toutes contraventions des pilotes au présent règlement.

Il sera dressé procès-verbal de ces enquêtes, en y consignant, s'il y a lieu, les dépositions des témoins sur les faits à constater.

Si ces faits sont de nature à n'attirer aux pilotes qu'une punition disciplinaire, les commissaires de leur nation auront soin qu'il en soit fait l'application par l'administration du pilotage auquel appartiennent ces pilotes. Si, au contraire, la punition des délits ou contraventions excède le pouvoir ou la compétence de la dite administration, il en sera référé par elle à son Gouvernement.

Les commissaires de l'un ou de l'autre Gouvernement, ayant pris isolément connaissance d'une contravention ou d'un fait quelconque contraire aux devoirs des pilotes qui n'appartiennent point à leur nation, établiront, pour autant que de besoin, le fait par des preuves et dénonceront officiellement les pilotes coupables aux commissaires de leur nation, pour leur faire infliger les peines ou punitions qu'ils auraient méritées, ou pour en rendre compte au Gouvernement qui

doit en connaître, sauf, à ces derniers commissaires, le droit de requérir au préalable une enquête par les commissaires réunis des 2 pays.

LXXII. En cas d'échouement et de naufrage d'un bâtiment ou de tout sinistre de cette nature, les commissaires seront tenus de se rendre, aussitôt que possible, sur les lieux, si faire se peut conjointement, afin de s'enquérir des causes et circonstances de l'événement, tant par eux mêmes que d'après les dépositions à recueillir contradictoirement du capitaine ou patron du navire, de son équipage et du pilote, s'il en existe à bord ; de tout quoi il sera dressé procès-verbal en double, pour servir et valoir où besoin sera. A défaut de comparition simultanée des commissaires des 2 Gouvernements sur les lieux, à l'effet de faire l'enquête dont il s'agit, ceux qui s'y trouveront les premiers auront néanmoins la faculté de procéder aux investigations qu'ils jugeraient nécessaires, sauf aux commissaires absents le droit de requérir ensuite, si bon leur semble, une nouvelle enquête, conjointement avec les autres commissaires, qui ne pourront se refuser à cette nouvelle instruction.

LXXIII. Les commissaires auront soin dans leurs inspections, soit générales, soit particulières, d'être munis de leurs lettres de service, délivrées par les Gouvernements respectifs, afin de pouvoir, au besoin, se faire reconnaître par les autorités des 2 pays, et avoir droit aux égards et aux prérogatives attachés à leurs fonctions. Le bâtiment qu'ils monteront portera une marque distinctive, et sera exempt de toute visite de douane et de police.

Les commissaires pourront s'adresser leur correspondance officielle par les voies qu'ils jugeront les plus convenables.

LXXIV. Le présent règlement, qui ne pourra être changé ni modifié que d'un commun accord, sera imprimé en Hollandais et en Français, et déposé dans chacun des bureaux de pilotage à l'inspection de qui il appartiendra.

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

**ANNEXE A.—Tarif des Droits de Pilotage pour l'Escaut,
en monnaie de Belgique.***

Tirant d'eau en palmes ou déci- mètres.	De la mer devant les passes jusqu'en rade de Flessingue.		De la rade de Flessingue à la mer.		De Flessingue à Anvers et vice-versâ.		De Flessingue à Terneuzen, de Terneuzen à Flessingue et Bath, de Bath à Anvers et Ter- neuzen, et d'Anvers à Bath.		De Flessingue à Bath et vice-versâ et de Terneuzen à Anvers et vice- versâ.	
	Salaire d'été	Salaire d'hiver.	Salaire d'été	Salaire d'hiver.	Salaire d'été.	Salaire d'hiver.	Salaire d'été.	Salaire d'hiver.	Salaire d'été.	Salaire d'hiver.
	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
15	19.05	25.40	13.76	16.93	30.00	36.00	9.95	12.06	19.89	24.18
16	20.11	26.45	14.51	17.99	32.00	38.00	10.58	12.70	21.16	25.40
17	21.16	27.51	15.27	19.05	34.00	39.00	11.22	13.23	22.43	26.45
18	23.28	29.63	16.93	20.11	36.00	40.00	12.06	13.76	24.18	27.51
19	25.40	31.75	17.99	21.16	38.00	44.00	12.70	14.51	25.40	29.63
20	27.51	34.92	19.05	22.22	40.00	47.00	13.33	15.66	26.67	31.75
21	29.63	38.10	20.11	23.28	44.00	51.00	14.51	16.93	29.63	33.86
22	31.75	41.27	21.16	25.40	47.00	55.00	15.27	18.41	31.75	36.93
23	33.86	44.44	23.28	27.51	51.00	57.00	16.93	19.05	33.86	38.10
24	35.98	47.62	25.40	29.63	55.00	61.00	18.41	20.82	36.93	40.63
25	39.15	50.79	27.51	31.75	57.00	64.00	19.05	21.16	38.10	42.33
26	42.33	55.03	29.63	33.86	61.00	65.00	20.82	22.65	40.63	45.29
27	45.50	59.26	31.75	35.98	64.00	72.00	21.16	23.92	42.33	47.83
28	48.68	63.49	33.86	38.10	68.00	75.00	22.65	24.97	45.29	49.95
29	52.91	69.84	35.98	40.21	72.00	78.00	23.92	25.26	47.83	51.85
30	57.14	76.19	38.10	42.33	75.00	80.00	25.40	26.67	50.79	53.86
31	62.43	82.54	40.21	44.44	78.00	85.00	26.03	28.36	52.06	56.72
32	67.72	88.89	42.33	46.56	80.00	89.00	26.67	29.63	53.33	59.26
33	73.02	95.24	44.44	48.68	85.00	91.00	28.15	30.26	56.30	60.53
34	78.31	101.59	46.56	51.85	89.00	95.00	29.63	31.75	59.26	63.49
35	83.60	107.94	48.68	55.03	91.00	98.00	30.26	33.59	60.53	65.19
36	88.89	114.28	51.85	58.20	95.00	102.00	31.75	35.86	63.49	67.72
37	94.18	120.63	55.03	61.38	98.00	106.00	32.59	35.34	65.19	70.69
38	99.47	129.10	58.20	64.55	102.00	110.00	33.86	36.61	67.72	73.23
39	105.82	137.57	61.38	67.72	106.00	114.00	35.34	38.10	70.69	76.19
40	111.29	150.26	64.55	71.96	110.00	123.00	36.61	40.85	73.23	81.69
41	124.87	162.96	67.72	76.19	114.00	129.00	38.10	42.96	76.19	85.93
42	135.45	175.66	70.90	80.42	128.00	135.00	40.85	44.97	81.69	89.95
43	146.03	190.48	74.07	84.66	129.00	143.00	42.96	47.20	85.93	94.40
44	156.61	205.29	77.25	91.01	135.00	148.00	44.97	49.31	89.95	98.62
45	169.51	220.11	84.66	97.35	142.00	157.00	47.41	52.78	94.89	104.55
46	182.01	239.15	95.24	105.82	148.00	163.00	49.31	54.39	98.62	108.76
47	194.71	258.20	105.82	118.52	157.00	169.00	52.98	56.30	104.55	112.59
48	207.41	279.37	118.52	135.45	163.00	175.00	54.39	59.26	108.76	116.52
49	228.57	300.53	135.45	152.38	169.00	186.00	56.30	62.01	112.59	124.02
50	249.74	325.93	152.38	169.31	178.00	195.00	59.26	64.97	118.52	129.95
51	270.90	351.32	169.31	190.48	186.00	203.00	61.90	67.51	123.51	135.03
52	292.06	376.72	190.48	211.64	195.00	212.00	64.97	70.69	129.95	141.38
53	313.23	401.12	211.64	232.80	203.00	220.00	67.72	73.23	135.45	146.45
54	334.39	431.75	232.80	253.97	212.00	229.00	70.48	76.19	140.95	152.38
55	355.56	463.49	253.97	279.37	220.00	237.00	73.02	78.94	146.03	157.89
56	380.95	495.24	279.37	304.76	229.00	246.00	76.19	81.90	152.38	163.81
57	412.70	535.45	304.76	330.16	237.00	254.00	78.94	84.66	157.88	169.31
58	444.44	577.78	330.16	355.56	246.00	262.00	81.90	87.30	163.81	174.60
59	468.77	632.80	355.56	380.95	254.00	271.00	84.66	90.37	169.31	180.74
60	529.10	687.83	380.95	406.35	262.00	279.00	87.30	93.12	174.60	186.24
Pour chaque palme ou décimètre au-dessus.	31.75	42.33	25.30	25.40						

Pour un mouvement de la rade de Flessingue à Rammekeens et vice versa, hors les cas prévus par l'Article XXX.

	Salaire d'été. <i>Francs.</i>	Salaire d'hiver. <i>Francs.</i>
Pour les bâtiments d'un tirant d'eau au-dessous de 28 décimètres	5.29	6.35
Pour les bâtiments d'un tirant d'eau de 28 décimètres et au-dessus	6.35	8.47

Anvers, le 20 Mai, 1843.

(Suivent les Signatures.)

* Signed also in Dutch.

ANNEXE B.—*Stipulations relatives au Tarif des Droits de Pilotage, arrêté le 20 Mai, 1843.*

ART. I. Le tarif ci-joint est adopté pour le terme de 2 ans. Après l'expiration de ce terme, il pourra, d'un commun accord, être arrêté définitivement, ou continué pour un nouveau terme à convenir.

Si les parties ne s'entendent pas à cet égard, elles s'occuperont immédiatement d'établir un tarif définitif au vœu du premier alinéa du § 2 de l'Article IX du Traité.

En attendant le pilotage retombera sous l'empire du Tarif du 11 Juin, 1839, établi en vertu du 2^{me} alinéa du dit paragraphe.

II. Si les tarifs de la Meuse sont réduits, avant le terme précité de 2 ans, le tarif d'essai adopté pour l'Escaut sera dès-lors réduit de pleine droit dans la même proportion.

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

REGLEMENT pour l'Exécution de l'Article IX du Traité du 19 Avril, 1839, et l'Article XVIII du Traité du 5 Novembre, 1842, relativement aux Fanaux.

ART. I. Le Gouvernement des Pays-Bas s'engage à établir de nouveaux fanaux à Terneuzen et à la pointe sud de Borselen, comme aussi à entretenir en bon état d'éclairage ces 2 feux et ceux déjà existant à Flessingue et à West-Kapelle.

Cet engagement à l'égard du fanal de Borselen, remplacera celui contracté à l'Article XVIII du Traité du 5 Novembre, 1842, relativement au fanal de Bath.

Ces 2 feux seront établis de telle façon qu'ils communiquent directement avec celui existant à Flessingue et soient visibles tous deux de ce dernier point.

II. Le droit de 3 cents par tonneau, établi par le § 2 de l'Article XVIII précité, ne pourra être augmenté, ni directement ni indirectement, pas même par l'usage du papier timbré ou par la perception d'autres subventions quelconques.

Le recouvrement de ce droit se fera d'après les mêmes principes et des mêmes navires, que le droit unique de navigation mentionné au § 3 de l'Article IX du Traité du 19 Avril, 1839.

III. Il sera délivré quittance du paiement du droit de fanaux d'après le modèle suivant :

Droit de Fanaux.—Quittance No.

Reçu pour le navire
 capitaine
 mesurant tonneaux, suivant certificat de jauge No.
 allant à la mer
 venant de la mer
 la somme de
 F.

. le 1800.

*L'Agent chargé de la perception du droit sur la
 Navigation de l'Escaut.*

IV. Afin d'assurer le paiement des droits de fanaux, les receveurs des douanes ne délivreront aux capitaines ni décharge, ni déclaration de sortie, aussi longtemps qu'ils n'auront pas payé ces droits, tant pour l'entrée que pour la sortie, ou fourni caution satisfaisante.

V. Toutes les contestations qui pourraient surgir à l'occasion de ce droit, seront jugées d'après les dispositions admises à l'égard du droit unique de navigation.

VI. Le Gouvernement Belge fera connaître au Gouvernement des Pays-Bas, avant la mise à exécution du présent règlement, s'il entend faire usage de la faculté de rachat qui lui est laissée par le § 3 de l'Article XVIII précité, sauf, dans ce cas, le droit de percevoir par lui-même sur son territoire.

Si plus tard le Gouvernement Belge désire remplacer l'un de ces deux modes de rétribution par l'autre, il ne pourra le faire pour un terme moindre qu'une année, et il en préviendra chaque fois le Gouvernement des Pays-Bas, 3 mois avant le 1er Janvier de l'année avec laquelle le changement prendra cours.

VII. La somme de 10,000 francs, fixée par le § 3 de l'Article XVIII, sera, en cas de rachat du droit de feux, versée par le Gouvernement Belge, à l'expiration de chaque année, entre les mains de l'agent Néerlandais à Anvers, chargé de la recette du droit sur la navigation de l'Escaut.

VIII. Si par les rapports des pilotes ou par tous autres moyens, les Commissaires permanents Belges reconnaissent que le service des feux laisse à désirer, ils en informeront sans délai leurs collègues des Pays-Bas, afin qu'il soit pris des mesures pour faire cesser sans retard tous sujets de plainte.

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

REGLEMENT pour l'Exécution de l'Article IX du Traité du 19 Avril, 1839, relativement à la Pêche et au Commerce de Pêcherie.

ART. I. Les habitants des 2 pays sont admis à l'exercice de la pêche, conformément aux stipulations du présent règlement, dans toutes les eaux, anses, criques, bancs et dépendances du fleuve, compris dans les limites ci-après désignées et renseignées à la carte annexée en double expédition au procès-verbal de la séance de la commission mixte de navigation, du 25 Octobre, 1841, savoir :

Sur l'Escaut en aval d'Anvers, à partir de la ligne censée tracée d'une rive à l'autre du fleuve, aux endroits où se trouvent situés les 2 embarcadères pour le passage d'eau d'Anvers à la tête de Flandre ;

Sur la continuation de ce fleuve, jusqu'au fort de Bath, d'où la ligne de délimitation correspondra directement à la pointe la plus septentrionale de la digue de mer du polder de Hoogewerf, commune d'Ossendrecht ;

Sur l'Escaut occidental, jusqu'à la mer :

Sur les eaux du Hellegat, jusqu'au passage d'eau entre Zaamslag et Stoppeldijk ;

Sur le Braakman, jusqu'à la limite à tracer en ligne directe de Philippine au ci-devant fort Maurice ;

Sur le Zwin, jusqu'à la ville de L'Ecluse, et

Sur le Sloe, jusqu'à la ligne tracée du fort de Rammekens à la tour de 's Heerenhoek.

S'il est reconnu plus tard que dans les eaux du Hellegat, du Braakman et du Zwin, la pêche est exercée par les pêcheurs Néerlandais, au-delà des limites susindiquées pour ces eaux, ces limites seront reculées jusqu'aux endroits où la pêche sera trouvée praticable, de manière que toujours elles soient les mêmes pour les pêcheurs des 2 pays.

II. La pêche sera exercée sur le pied d'une parfaite réciprocité et égalité ; de telle manière qu'aucune faveur ou immunité, en fait de pêche, ne pourra directement ou indirectement être accordée aux pêcheurs nationaux, dont ne jouiront en même temps les pêcheurs sujets de l'autre pays.

En conséquence les 2 Gouvernements s'engagent à ne pas affermer la pêche dans les limites désignées à l'Article I.

III. Celui qui voudra exercer la pêche sera tenu de justifier de sa qualité de sujet de l'un des 2 pays, au moyen d'un certificat de l'autorité communale du lieu de son domicile.

IV. Muni de ce certificat, le pêcheur se présentera une fois par an à l'agent que chaque Gouvernement désignera sur son territoire, savoir : pour la pêche dans la partie Belge de l'Escaut, à Anvers, et

pour la pêche dans la partie Néerlandaise du fleuve, à Bath, et fera la déclaration du bâtiment et de l'équipage avec lesquels il est habitué ou se propose d'exercer sa profession.

Cette formalité devra être remplie pendant la première quinzaine des mois de Décembre, Mars, Juin, ou Septembre de chaque année. Si elle a eu lieu plus tard, le pêcheur sera censé, relativement au paiement de la rétribution fixée par les règlements particuliers de chaque pays, avoir fait la déclaration dans la première quinzaine de l'un de ces 4 mois, le dernier échu.

V. Par suite de cette déclaration et moyennant paiement de la rétribution fixée par le règlement particulier du pays que cela concerne, il sera délivré au pêcheur, par l'agent et à l'endroit susmentionnés, un permis pour la pêche de toutes sortes de poissons, qui sera valable pour une année entière, à compter du 1^{er} du mois qui suivra celui dans lequel il a fait ou est censé avoir fait sa déclaration.

En aucun cas, la rétribution pour les permis de pêche sur l'Escaut occidental ne pourra être plus élevée que celle pour les permis sur l'Escaut oriental. De même, la rétribution pour les permis de pêche Belges sur l'Escaut en aval d'Anvers, ne pourra être plus élevée que celle pour les permis sur l'Escaut en amont.

VI. Ce permis énoncera le nom du pêcheur et un numéro, que celui-ci sera tenu de faire peindre distinctement, à l'huile et en chiffres noirs de la longueur de 15 centimètres, au milieu d'un fond circulaire blanc de 25 centimètres de diamètre sur la poupe de son bâtiment, aux 2 côtés du gouvernail, de manière à ne pouvoir être détaché ni enlevé, et à pouvoir être reconnu à quelque distance.

Si le bâtiment sert en même temps à l'exercice de la pêche dans les eaux des 2 pays, le numéro du permis Néerlandais sera peint à la droite, et le numéro du permis Belge à la gauche du gouvernail.

VII. Tout pêcheur sera tenu d'avoir à bord de son bâtiment ses permis de pêche, et d'en faire exhibition aux surveillants de la pêche à leur demande. Les surveillants, dans ces cas, seront tenus de se faire reconnaître en arborant un pavillon, dont les 2 Gouvernements se communiqueront réciproquement la description.

Nul pêcheur ne pourra se soustraire ou tenter de se soustraire à la visite des surveillants, lorsqu'ils se présenteront à lui à cet effet.

VIII. La disposition de l'Article II ne portera pas atteinte au droit que se réservent respectivement les 2 Gouvernements, d'accorder des concessions de bancs artificiels de moules; bien entendu que l'établissement de ces bancs ne pourra être accordé qu'aux endroits où les bancs de moules ne se forment pas naturellement. Elle n'empêchera également pas les concessions pour l'exercice de la pêche au moyen de gords.

Cependant, dans l'un et l'autre cas, les sujets des 2 pays concour-

ront sur un pied de parfaite égalité, et le sort décidera au besoin entre ceux qui se seront présentés dans le délai utile pour être admis aux dites concessions.

Les annonces relatives à ces concessions seront transmises par l'administration de la pêche d'un pays à l'administration de la pêche de l'autre pays, au moins un mois avant l'expiration du délai fixé pour faire la demande en obtention de ces concessions.

IX. Dans tous les cas, le Gouvernement qui accordera ces concessions, s'assurera préalablement qu'elles ne pourront préjudicier à la navigation du fleuve ou produire des atterrissements nuisibles. Si plus tard de semblables inconvénients se faisaient remarquer, les commissaires permanents les signaleront, et le Gouvernement qui aura accordé la concession sera tenu de la retirer et de faire immédiatement cesser les obstacles.

X. Tout individu qui, pendant la durée d'une des concessions mentionnées à l'Article VIII, aura détruit ou endommagé les bancs artificiels de moules, ou les gords d'un autre pêcheur, ou qui aura pêché ou tenté de pêcher des moules sur les dits bancs, ou enlevé ou tenté d'enlever le poisson des filets des gords, sera puni d'après les lois du pays où ce délit aura été commis.

XI. La pêche se fera aux conditions prescrites par les règlements particuliers en vigueur dans le pays où elle s'exercera, et les 2 Gouvernements s'engagent à se communiquer réciproquement les dispositions réglementaires arrêtées ou à intervenir, au moins 15 jours avant leur mise à exécution, pour être portées à la connaissance de ceux que la chose concerne.

XII. Les avertissements que les administrations respectives de la pêche jugeront nécessaire de porter à la connaissance des pêcheurs, seront envoyés immédiatement de la part de l'administration dont ils émanent, à l'agent désigné pour la pêche dans l'autre pays, pour, par les soins de celui-ci, être affichés dans les lieux de domicile ordinaire des pêcheurs.

XIII. Les pêcheurs des 2 nations pourront respectivement, pendant le terme de 2 ans à dater du jour de la mise à exécution du présent règlement, employer les filets dont ils sont en possession, quoique non conformes à ce qui pourrait, à cet égard, être prescrit par les lois et règlements de l'autre pays.

XIV. Toute contravention au présent règlement sera poursuivie et punie conformément aux lois du pays où elle aura été commise.

XV. Chaque fois que, dans l'un des 2 pays, une contravention en matière de pêche aura été constatée à la charge d'un sujet de l'autre pays, et que l'administration de la pêche du pays où cette contravention aura été commise trouvera qu'il y a lieu de poursuivre, elle enverra à l'administration de la pêche du pays auquel appartient le prévenu, une copie du procès-verbal et de la citation en justice.

Elle donnera également connaissance à cette administration du jugement qui sera intervenu.

XVI. Les produits à désigner ci-après, provenant de la pêche exercée par les habitants des 2 pays, dans les limites indiquées à l'Article I du présent règlement, jouiront indistinctement de toutes les faveurs de la pêche nationale dans les ports et lieux situés dans ces mêmes limites, pourvu que l'importation en soit faite sous pavillon national.

Ne seront considérées comme poissons provenant de la pêche précitée que les espèces suivantes :

Eperlan—Spiering.	huitres de Zélande Zeeuwsche
Anchois—Ansjovis.	Oesters.
Sardines—Sardijnen.	Moules—Mosselen.
Anguilles—Paling.	Chevrettes—Steurkrabben.
Carrelet—Bot.	Salicoques—Garnalen.
Huitres, dites—Oesters, genaamd	Limaçons—Kreukels.
	Pctites Crabes—Kleine Krabbeh.

XVII. Celui qui exercera la pêche conformément au présent règlement sera tenu, s'il en est requis, de justifier, aux employés des douanes des Etats respectifs qui se présenteront à lui, de sa qualité de pêcheur, par l'exhibition du permis qui lui aura été délivré en vertu de l'Article V. A défaut de cette exhibition il ne pourra en aucune manière jouir des faveurs accordées par l'article suivant, à moins qu'il ne justifie, en déans la quinzaine, qu'il avait obtenu un permis antérieurement à la contravention ; il ne sera passible, dans ce dernier cas, que des frais du procès-verbal de contravention.

XVIII. Les bateaux marqués de la manière prescrite et servant uniquement à l'exercice de la pêche, pourront passer librement, de nuit comme de jour, les bureaux des douanes établis par les Gouvernements respectifs, sans y être assujettis à aucune déclaration.

XIX. Tout bateau servant à la pêche ne pourra avoir à bord d'autres objets que ceux destinés à la consommation journalière de l'équipage, ainsi que les agrès et ustensiles nécessaires à la pêche et les produits de la pêche même.

Toute autre denrée ou marchandise sera saisie et confisquée, et le patron sera en outre puni d'une amende égale au décuple des droits et accises auxquels les objets saisis sont soumis, sauf l'application des peines prononcées par les lois des Etats respectifs, si une importation ou exportation frauduleuse avait été commise ou tentée sur les côtes ou rives du fleuve.

XX. Les bateaux-pêcheurs se trouvant sur le fleuve ou à son embouchure, y seront assujettis à la visite et à la surveillance des employés du service actif des douanes, toutes les fois que ceux-ci se présenteront à eux à cet effet.

Les patrons ou conducteurs seront tenus de faciliter cette visite

et d'arrêter ou de ralentir à cet effet la course de leur bateau, à la réquisition des employés.

Celui qui se soustrairait ou tenterait de se soustraire à cette visite, sera puni suivant la loi en vigueur dans le pays où cette contravention aura été commise.

XXI. Il est défendu aux patrons ou conducteurs des bateaux pêcheurs, hors le cas de force majeure dûment constaté, de prendre terre ou d'amarrer sur les côtes ou rives du fleuve, ailleurs qu'aux lieux ou ports désignés par les Gouvernements respectifs, sous peine d'une amende de 10 florins (10 francs).

XXII. Les patrons sont responsables des amendes encourues pour contraventions au présent règlement, et les embarcations pourront être retenues en garantie des dites amendes, à moins qu'il ne soit fourni caution valable avec élection de domicile dans le pays où la contravention aura été commise.

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

ARTICLE ADDITIONNEL, ajouté au Règlement pour l'Exécution de l'Article IX du Traité du 19 Avril, 1839, relativement à la Pêche et au Commerce de Pêcherie, arrêté et signé à Anvers, le 20 Mai, 1843.

LES lieux ou ports d'amarrage et de décharge seront les mêmes pour les pêcheurs des 2 pays.

Les moules, salicoques et limaçons, pêchés dans le Braakman et déchargés aux endroits d'amarrage désignés par le Gouvernement Néerlandais, pourront de là être transportés par la route la plus directe jusqu'en Belgique, par le bureau de Bouchaute ou tout autre qui sera désigné par le Gouvernement Belge, sans être assujettis à aucuns droits ou formalités dans leur parcours sur le territoire Néerlandais.

Les produits susmentionnés de la pêche dans le Braakman seront sous tous les rapports Traités dans les 2 pays comme les produits de la pêche nationale.

Le présent Article Additionnel aura la même force et valeur que s'il était ou avait été inséré mot à mot dans le susdit règlement, et il aura la même durée.

Arrêté et signé à la Haye, le 7 Août, 1843, entre le Baron Huyssen de Kattendijke, Ministre des Affaires Etrangères de Sa Majesté le Roi des Pays-Bas, et le Général Prisse, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges.

(L.S.) HUYSSSEN VAN KATTENDIJKE.

(L.S.) PRISSE.

REGLEMENT pour l'Exécution de l'Article IX du Traité du 19 Avril, 1839, et du Chapitre II, Section III, du Traité du 5 Novembre, 1842, relativement à la Navigation des Eaux Intermédiaires entre l'Escaut et le Rhin.

ART. I. La navigation et le transit des eaux intermédiaires des Pays-Bas, entre l'Escaut occidental et le Rhin, sera, pour arriver de la Belgique au Rhin et *vice versa*, réciproquement libre; bien entendu que l'on se conformera aux règlements de police exigés pour le maintien de la sûreté générale, et aux dispositions arrêtées par le présent règlement.

II. Toutes les voies navigables communiquant de l'Escaut occidental au Rhin, y compris le Sloe, l'Escaut oriental et la Meuse, seront considérées comme eaux intermédiaires entre ces 2 fleuves, et il sera ainsi loisible aux patrons ou conducteurs de navires de se servir de celles de ces voies navigables qui leur paraîtront les plus convenables.

III. Les navires employés à la navigation entre l'Escaut et le Rhin, appartenant aux sujets des Hautes Parties Contractantes, ne seront point obligés de transborder ou de rompre charge en passant des eaux de l'Escaut dans celles du Rhin, et *vice versa*, par le Royaume des Pays-Bas.

IV. Toutes les marchandises qui seront transitées de la Belgique vers le Rhin, et *vice versa*, par les eaux indiquées à l'Article II, payeront, en remplacement de tous droits de transit, de péage et autres de cette nature, un droit fixe, comme suit : 13 $\frac{1}{4}$ cents, argent des Pays-Bas, en remonte de l'Escaut occidental au Rhin; 9 cents, argent des Pays-Bas, à la descente du Rhin à l'Escaut occidental, par quintal de 50 kilogrammes.

L'augmentation et la réduction de ce droit stipulées dans les tarifs I et II de la liste A de la Convention de Mayence du 31 Mars, 1831, seront également appliquées à la navigation des eaux intermédiaires.

Le droit fixe sur le bois de charpente et de construction se payera au mètre cube des Pays-Bas, en suivant les proportions fixées par l'addition au tarif litt. C, annexé à la dite Convention.

Il sera néanmoins libre au Gouvernement des Pays-Bas d'ajouter à ce droit fixe telle partie des droits de navigation du Rhin, qu'il jugera convenable de ne pas faire percevoir pour les distances de Lobith jusqu'à Krimpen ou Gorcum, et *vice versa*.

V. Le droit fixe ne pourra être augmenté directement ni indirectement, pas même par l'usage du papier timbré ou autres droits de ce genre.

VI. Le droit fixe mentionné à l'Article précédent, ayant été établi d'après celui auquel la navigation de la mer à Gorcum et *vice*

versâ est assujettie, il est convenu que, si ce dernier droit venait à être augmenté, d'après le résultat du mesurage dont il est fait mention à l'Article IV de la Convention de Mayence, le droit fixe pour la navigation de la Belgique à Gorcum et *vice versâ* subirait la même augmentation.

VII. Si, par la suite, le droit fixe, établi sur la navigation de la mer à Gorcum et *vice versâ*, venait à être diminué, remboursé en tout ou en partie, ou entièrement aboli, celui sur la navigation de l'Escaut au Rhin et *vice versâ*, serait également diminué de plein droit dans la même proportion, ou entièrement aboli, de telle sorte que les conditions de navigation et de transit restent constamment, et sous tous les rapports, les mêmes pour le commerce des 2 pays.

VIII. Il sera néanmoins facultatif aux intéressés d'opter en faveur du droit transit ordinaire pour les marchandises destinées en transit de la Belgique vers le Rhin et *vice versâ*, par les eaux intermédiaires, lorsque ce droit serait moins élevé que le droit fixe, sous condition d'en faire la déclaration au premier bureau à l'entrée du territoire des Pays-Bas, et de remplir les formalités de douane, conformément à la législation générale sur la matière.

IX. Les navires, exerçant la navigation sur les eaux intermédiaires entre l'Escaut et le Rhin, y seront assujettis au paiement des droits de pilotage, de balisage et fanaux, ainsi qu'aux droits spéciaux établis sur les canaux et jonctions artificielles, dont ils feraient usage, sans que toutefois les bâtiments des Pays-Bas puissent être Traités plus favorablement que ceux de la Belgique, et sans que les tarifs en vigueur au 19 Avril, 1839, sur ces eaux puissent être augmentés.

Si, par suite de l'ouverture de voies nouvelles, soit artificielles, soit naturelles, il était nécessaire d'établir sur ces voies des droits de pilotage, balisage ou fanaux, ces nouveaux droits ne pourront être autres ni plus élevés que ceux compris aux tarifs précités.

X. Les marchandises venant de la Belgique ou du Rhin, par les eaux intermédiaires, seront admises dans les entrepôts de Dordrecht, Rotterdam, et Amsterdam.

Celles de ces marchandises qui seraient ultérieurement déclarées à destination soit du Rhin, soit de la Belgique, par les eaux intermédiaires, seront affranchies des droits ordinaires de transit, qui seront, dans ce cas, remplacés par le droit fixe déterminé, à l'Article IV et par ceux portés aux tarifs qui y sont mentionnés, quel que soit le lieu de l'entrepôt que l'on aurait choisi parmi ceux dénommés ci-dessus, sauf les formalités de douanes prescrites par la législation générale des Pays-Bas, comme garantie contre la fraude, et les dispositions des règlements locaux de la police des ports.

Les marchandises entreposées, ainsi qu'il vient d'être dit, comme appartenant au commerce entre la Belgique et le Rhin, ne payeront

pour tout droit de magasin, de quai, de grue et de balance, et pour autant qu'il aura été fait usage de ces établissements, que les quotités indiquées comme maximum dans l'Article LXIX de la Convention de Mayence.

Il ne pourra y avoir, quant à la hauteur des dits droits de quai, de grue, de balance et de magasin, aucune distinction entre les navires Belges et leurs cargaisons, se rendant de la Belgique au Rhin *vice versâ*, et les navires des Pays-Bas et leurs cargaisons, qui se rendent de ce Royaume au Rhin et *vice versâ*.

XI. Pour profiter de l'affranchissement des droits ordinaires de transit aux entrepôts susmentionnés, les marchandises dont il s'agit doivent y être apportées par des navires dont les patrons sont munis de la patente prescrite par l'Article XX ci-après.

XII. Les navires employés à la navigation de la Belgique au Rhin, ou *vice versâ*, pourront rompre charge dans les ports de Dordrecht, Rotterdam ou Amsterdam, y décharger les marchandises qui seront destinées, soit pour les entrepôts, soit pour la consommation des Pays-Bas, ou bien y compléter leur cargaison, après avoir acquitté, soit le droit ordinaire de transit, soit le droit fixe mentionné à l'Article IV, conformément aux manifestes vérifiés dont les patrons ou conducteurs doivent être porteurs, et en se conformant, pour les marchandises destinées à être déchargées ou chargées dans les ports de mer susdits, aux dispositions de la loi générale des Pays-Bas, concernant les droits d'entrée, de sortie et de transit.

XIII. Dans le cas où les patrons ou conducteurs de navires feraient usage de la faculté qui leur est laissée par l'Article précédent, de rompre charge, soit partiellement, soit en totalité, les marchandises jouiront, tant pour la mise à quai que pour le transbordement ou la mise en entrepôt, s'il y a lieu, de tous les avantages accordés ou qui pourraient être accordés à la navigation des Pays-Bas vers le Rhin et *vice versâ*.

XIV. La perception des péages stipulés à l'Article IV se fera :

A. Pour le transit direct d'Anvers au Rhin, en amont à Bath, en aval à Gorcum ;

B. Idem de Gand au Rhin, en amont au Sas de Gand, en aval à Gorcum ;

C. En cas de transit par les entrepôts des Pays-Bas, au bureau de paiement dans les places entrepositaires, au moment de la sortie de ces entrepôts.

XV. Les patrons ou conducteurs exerçant le transit par les eaux intermédiaires, sans chargement ou déchargement, qui seront munis de manifestes en bonne et due forme, et qui auront rempli les autres conditions prescrites par le présent règlement, ne pourront être arrêtés en route, sous prétexte d'impôts de l'Etat à percevoir, ou de recherches à faire à cette fin sur les chargements, si ce n'est à

un des bureaux de perception établis par les règlements, ou dans les cas prévus par l'Article XXVI ci-après.

Les dits patrons ou conducteurs ne seront tenus à d'autres formalités, par rapport aux douanes, qu'à faire apposer des plombs ou cachets aux écoutilles ou aux endroits servant de dépôts de marchandises, ou à recevoir à bord des gardiens, toutes les fois que l'autorité locale de la douane jugera convenable d'en mettre, afin d'empêcher la fraude, ou enfin à se soumettre à ces 2 formalités réunies.

XVI. Le service des gardiens se bornera à la surveillance des bâtiments et des cargaisons ou des plombs et cachets dans le but indiqué.

Les patrons ou conducteurs des bâtiments sont tenus de faire participer ces gardiens à la nourriture de l'équipage, et de leur fournir le feu et la lumière nécessaires, mais il est défendu aux gardiens d'exiger, dans le cas prévu à l'Article précédent, à ce titre et sous aucun prétexte, une rétribution quelconque du patron ou conducteur, et même d'en accepter l'offre.

XVII. Il n'y aura lieu à l'application des formalités des douanes, suivant les lois générales des Pays-Bas, que par rapport aux navires qui chargeront ou déchargeront, soit entièrement, soit partiellement, dans les ports de Dordrecht, Rotterdam, ou Amsterdam, conformément aux Articles V et VI de la Convention de Mayence.

Ainsi, les patrons ou conducteurs munis de manifestes au vœu de l'Article XVIII et ayant rempli, quant au navire, les formalités des douanes suivant la législation des Pays-Bas, seront, en ce qui concerne les marchandises déclarées au droit fixe, exempts de ces formalités et jouiront des avantages des tarifs et du régime relatifs au transit direct.

XVIII. Le patron ou conducteur ne pourra, en cas de transit par les eaux intermédiaires entre l'Escaut et le Rhin, opérer aucun chargement ou déchargement de marchandises, ailleurs que dans un des ports désignés à l'Article X du présent règlement.

Il lui sera néanmoins permis de relâcher dans tout autre lieu et d'y opérer le déchargement entier ou partiel de son navire, si, par suite d'avarie ou autre circonstance extraordinaire, il était empêché de continuer sa route ; pourvu qu'il se soit adressé préalablement aux employés des douanes les plus voisins ou, à leur défaut, à l'autorité locale la plus voisine, et qu'il se soumette aux mesures que ces employés ou autorités jugeront nécessaires pour prévenir toute importation clandestine.

Aussitôt son arrivée, le patron ou conducteur fera ses diligences afin de constater d'une manière légale la force majeure qui l'a obligé à relâcher.

Les mesures qu'il aurait prises de son chef, sans en avoir préalablement averti les employés, ou, en leur absence ou à leur défaut, l'autorité locale, et sans attendre leur intervention, ne seront excusables qu'autant qu'il prouvera d'une manière incontestable que le salut du bâtiment ou de la cargaison en a dépendu.

Le patron ou conducteur, en reprenant les marchandises pour continuer sa route, ne sera sujet à aucun droit d'entrée, ni de sortie ou de transit.

XIX. Les allègements ordinaires, pour cause d'avarie ou de gros temps, ou qui pourraient être temporairement nécessaires par manque d'eau, ne seront pas réputés chargements ou déchargements dans le sens de l'Article précédent, lorsque ces allègements se feront sans toucher aux rivages et sous la surveillance des employés des douanes, et, en leur absence, sous celle de l'autorité locale la plus voisine.

Si des plombs ou cachets avaient été apposés aux écoutilles ou emplacements servant au dépôt de marchandises, le patron ou conducteur devra, dans les cas précités, s'adresser préalablement aux employés des douanes les plus voisins, pour faire lever les plombs, ou scellés, en se soumettant aux mesures que ceux-ci jugeront nécessaires pour prévenir l'importation clandestine d'une partie de la cargaison.

Les marchandises allégées devront être rechargées dans les mêmes bâtiments qui les auront apportés avant d'avoir atteint le bureau du droit fixe à la sortie.

XX. Chacun des 2 Gouvernements prendra les mesures nécessaires pour s'assurer de la capacité des personnes auxquelles il confie l'exercice de la navigation des eaux intermédiaires entre l'Escaut et le Rhin.

Au patron ou conducteur qui sera reconnu apte par les autorités de son pays, il sera délivré une patente (permis) qui lui donnera le droit d'exercer la navigation des eaux précitées, dans toute leur étendue, conformément aux dispositions du présent règlement. Cette patente ne sera délivrée qu'à des sujets reconnus des 2 Etats et ne pourra être retirée que par le Gouvernement qui l'aura délivrée.

Les bâtiments seront signalés dans ces patentes.

XXI. Le patron ou conducteur devra soumettre son bateau au jaugeage, opéré d'après une échelle graduée de décimètre en décimètre, suivant la méthode actuellement en vigueur sur le Rhin; il devra être porteur du certificat de jaugeage qui lui sera délivré par l'autorité compétente des pays respectifs.

XXII. Tout patron ou conducteur sera tenu, avant de partir du lieu de son chargement, de dresser un manifeste de sa cargaison

suivant les lettres de voiture ou connaissements, qui y seront joints comme pièces justificatives, et indiquant la nature et la quantité des marchandises, ainsi que leur destinataire.

Ce manifeste, qui sera en tous points conforme au modèle annexé au présent règlement, devra être signé par le patron ou conducteur, qui sera responsable de son contenu.

Les employés du lieu de chargement viseront les manifestes, après s'être assurés de leur exactitude sous le rapport de la nature et de la quantité des marchandises. Ils veilleront à ce qu'il ne présente aucune rature, surcharge, interligne ou lacune.

Un duplicata du manifeste sera laissé au premier bureau de payement du droit fixe.

XXIII. Les conducteurs de trains de bois représenteront un manifeste indiquant le nombre et le volume total des arbres, calculé en mètres cubes. Le contrôle en sera fait par les employés du droit fixe, conformément aux instructions et à la table de réduction actuellement en vigueur à cet effet sur le Rhin.

XXIV. Les employés stationnés sur les lieux où sont situés les bureaux de perception du droit fixe, auront le droit de visiter les embarcations, pour en reconnaître le chargement, chaque fois qu'il y aura des soupçons sur l'exactitude des manifestes. Ce droit est indépendant de celui qu'auront les employés embarqués sur un bateau ou canot, d'exiger la représentation du manifeste de tout patron ou conducteur d'embarcation, en quelque endroit des eaux intermédiaires qu'il soit rencontré.

Dans l'un et l'autre cas les employés, s'ils en sont requis, devront justifier de leur qualité, par l'exhibition de leurs commissions.

XXV. Tout patron ou conducteur qui sera en défaut de produire, en étant requis, son manifeste et les pièces y jointes, en due forme, ne pourra profiter des avantages que lui assure le présent règlement.

XXVI. Lorsqu'un patron ou conducteur sera prévenu d'avoir tenté la contrebande, il ne pourra pas invoquer la liberté de la navigation des eaux intermédiaires pour mettre, soit sa personne, soit les marchandises qu'il aurait voulu importer ou exporter frauduleusement, à l'abri des poursuites dirigées contre lui de la part des employés des douanes, sans cependant qu'il puisse y avoir lieu à saisir, pour cause d'une pareille tentative, le reste du chargement, qui n'en aurait pas été l'objet, ni, en général, à sévir contre le patron d'une manière plus rigoureuse que ne l'ordonnent les lois générales des Pays-Bas.

Si, dans un des bureaux frontières du territoire des Pays-Bas, soit en entrant, soit en sortant, ou pendant la traversée de ce territoire, il est reconnu qu'un patron ou conducteur est porteur d'un manifeste tellement infidèle qu'il en résulte une fraude consommée ou tentée

il aura également, pour ce fait, encouru les peines portées par la loi contre les déclarations infidèles.

XXVII. Le patron ou conducteur qui passera le bureau sans s'y présenter pour le paiement des droits avec exhibition de son manifeste, ou qui en partira avant d'avoir effectué le paiement, encourra la peine portée par l'Article XXXV ci-après, à moins qu'il n'y ait été contraint par une force majeure et apparente, afin de sauver son bateau, le chargement ou l'équipage.

En pareil cas il suffira que le patron ou conducteur se présente au bureau de perception, aussitôt que l'embarcation et les marchandises auront été mises en lieu de sûreté.

XXVIII. Le receveur du premier bureau du droit fixe, en cas de transit direct, ou celui de l'une des places entrepositaires désignées à l'Article X, en cas de transit par voie d'entrepôt, seront tenus de donner quittance, sans frais, au patron ou conducteur, de la somme perçue, et d'en faire mention au bas du manifeste.

Ces quittances énonceront distinctement le nombre des quintaux et le montant des différents droits payés.

XXIX. Le patron ou conducteur pourra être obligé de prouver par la représentation de sa quittance au bureau de sortie, qu'il a acquitté les droits au bureau où il était tenu de les payer.

Faute de produire cette quittance, s'il en est requis, il sera, jusqu'à ce qu'il se soit justifié, regardé comme fraudeur et tenu de payer provisoirement l'amende déterminée par l'Article XXXV.

XXX. Le droit fixe, perçu conformément au manifeste produit à cet effet au bureau de perception, ne sera pas restitué, lors même que les marchandises, en continuant leur voyage, auraient souffert une avarie extraordinaire, à moins toutefois que celles-ci ne soient déchargées et déclarées à la consommation des Pays-Bas.

XXXI. Tout batelier, dont l'embarcation présentera plus d'enfoncement que le maximum de la charge indiqué par la ligne fixée par l'autorité compétente, sera puni d'après les lois du pays dans lequel la contravention aura été découverte.

En outre le contrevenant sera astreint, au port le plus voisin, de rompre charge jusqu'au degré d'enfoncement légal.

XXXII. Il est défendu au patron ou conducteur, sous peine d'une amende de 50 à 150 florins, de charger des marchandises sur le tillac.

Cette défense ne sera toutefois pas applicable aux bateaux à vapeur, pourvu que les marchandises ainsi chargées soient réunies dans un ou 2 endroits, et recouvertes par une toile attachée au tillac, de manière à permettre le plombage, sans occasionner un surcroît de frais et de retard.

Toutes les exceptions à la défense précitée, qui sont ou seront accordées par rapport à la navigation du Rhin, s'appliqueront égale-

ment et de la même manière à celle des eaux intermédiaires entre l'Escaut et le Rhin.

XXXIII. Les transports de poudre à canon se feront, dans tous les cas, sur des embarcations particulières, sans aucun mélange avec d'autres objets. Les bateaux chargés de poudre resteront, autant que faire se pourra, éloignés des rives, et, en cas de relâche, soit pour le déchargement, soit pour toute autre cause qui empêcherait la continuation du voyage, la police de l'endroit le plus voisin en sera avertie, pour prendre les mesures que la sûreté publique pourrait exiger.

Les contraventions aux dispositions qui précèdent seront punies d'une amende de 50 à 150 florins.

XXXIV. A l'égard d'autres matières inflammables ou corrosives, telles que acides sulfurique, muriatique, nitrique, briquets phosphoriques, allumettes à friction, etc., la police du port d'embarquement aura à décider si le transport doit en être fait sur des embarcations particulières, ou s'il peut l'être concurremment avec d'autres objets. Dans ce dernier cas, elle prescrira les mesures auxquelles le batelier aura à se soumettre, et en fera mention sur le manifeste du chargement.

Les contraventions aux dispositions du présent Article seront punies d'après les lois respectives des Etats où elles auront été constatées.

XXXV. La fraude, en matière de droit fixe, sera punie d'une amende du quadruple des droits fraudés, indépendamment du simple droit, qui devra toujours être acquitté en sus.

XXXVI. Quant aux peines que le patron ou conducteur encourt par suite de fausses déclarations et autres contraventions relatives aux droits d'entrée et de sortie territoriaux, il est renvoyé aux dispositions des Articles VIII, X, XII, XV, XVII, XVIII, XIX, et XXVI, ci-dessus; le présent règlement ne devant porter aucune atteinte aux lois particulières des Pays-Bas, par rapport aux douanes.

XXXVII. Conformément à l'Article XLI du Traité du 5 Novembre, 1842, les navires Belges, ainsi que leurs cargaisons, jouiront sur le Rhin Néerlandais de tous les droits et avantages stipulés par la convention de Mayence du 31 Mars, 1831, en faveur des sujets des Etats riverains du Rhin général.

Aussi longtemps que les susdits navires faisant la navigation précitée, ou leurs cargaisons, ne jouiront ni sur le Rhin et ses confluentés régis par la dite convention, ni d'Anvers à Bath, ni de Gand au Sas de Gand, d'avantages autres ou plus grands que ceux accordés aux navires Néerlandais ou à leurs cargaisons, les navires Belges et leurs cargaisons ne payeront sur le Rhin Néerlandais depuis Gorcum ou Krimpen jusqu'à Lobith, tant à la remonte qu'à la descente, que

les droits auxquels sont soumis les navires des Pays-Bas et leurs cargaisons qui se rendent de ce Royaume au Rhin, et *vice versa*.

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

ANNEXE. — *Manifeste. Du Patron ou Conducteur de*

Le bâtiment, de la capacité de quintaux, construit au chantier de constructeur de navires, demeurant à conduit sous pavillon (indiquer l'état auquel appartient le pavillon) par le soussigné, appartient en propriété à N.N. à . . . (ou au soussigné). Il a été chargé à . . . et contient ce qui suit :

Visa pour vérification du chargement.	No. des connaissements dans l'ordre des numéros	Noms des expéditeurs et des consignataires.	Lieu de destination des marchandises.	Colis, futailles etc.		Désignation exacte des marchandises d'après leur dénomination usitée dans le commerce.	Poids de chaque espèce de marchandises.		Montant	
				Nombre.	Marques et numéros.		Déclaré.	Trouvé lors de la vérification, (lorsqu'elle a eu lieu et qu'elle a donné un résultat différent de la déclaration primitive).	du droit fixé.	des amendes, s'il en a été perçu.

Le soussigné affirme que le présent manifeste est exact sous tous les rapports et conforme au chargement. A Le Anvers, le 20 Mai, 1848. (Suivent les signatures.)

REGLEMENT pour l'Exécution de l'Article IX du Traité du 19 Avril, 1839, et du Chapitre II, Section IV, du Traité du 5 Novembre, 1842, relativement à la Navigation de la Meuse.

TITRE I.—Des Droits de Navigation et des moyens d'en Assurer la Perception.

ART. I. En conformité des dispositions de l'acte général du Congrès de Vienne, les péages sur la Meuse, depuis la frontière de France jusqu'à Gorcum, seront réglés suivant le décret du Gouvernement Français du 10 Brumaire, an XIV, sauf que le droit établi à raison de la largeur des bateaux sera calculé suivant leur capacité, sur le pied de $\frac{1}{4}$ de centime, argent de Belgique, par distance de 5 kilomètres et par tonneau d'un mètre cube.

Les trains de bois seront assujettis au même droit de $\frac{1}{4}$ de centime par distance de 5 kilomètres par mètre cube (stère).

Sauf les dispositions que chacun des 2 Gouvernements pourra prendre par rapport à la navigation intérieure, la perception des droits de navigation se fera aux bureaux ci-après désignés :

à la descente :		à la remonte :	
à Hastier-Lavaux.	à Dinant.	à Gorcum.	à Rossum.
à Namur.	à Huy.	à Katwijk.	à Venlo.
à Liège.	à Eysden.	à Maaseyk.	à Lixhe.
à Ruremonde.	à Venlo.	à Liège.	à Huy.
à Katwijk.	à Rossum.	à Namur.	à Dinant.

Les bateaux qui, soit à la descente, soit à la remonte, auront choisi la voie du Waal entre Rossum et Gorcum, au lieu de suivre celle de la basse Meuse, ne seront néanmoins assujettis qu'aux péages en raison de la dernière voie.

II. Il sera libre aux 2 Etats de supprimer des bureaux de perception intermédiaires, là où ils exercent seuls la souveraineté sur le lit de la rivière, en faisant percevoir au bureau le plus proche de la frontière la totalité des droits de navigation, qui étaient dus jusqu'alors aux bureaux supprimés, sans que toutefois les patrons ou conducteurs puissent être tenus de payer une plus forte quotité de droits, que celle qu'ils auraient dû acquitter si les bureaux supprimés existaient encore.

Les Gouvernements se communiqueront réciproquement les décisions qu'ils auront prises pour la suppression des bureaux ci-dessus mentionnés.

III. Les droits de navigation sur la partie de la Meuse, qui forme limite entre les 2 Etats, seront partagés d'après l'étendu de leurs possessions respectives sur les 2 rives.

En conséquence le Gouvernement des Pays-Bas recevra, en conformité du tarif annexé au présent règlement :

à la descente :

Cinq centimes et 33 millièmes par tonneau d'un mètre cube, pour sa quotité dans le droit de navigation de cette partie de la Meuse ; et pour la distance parcourue jusqu'à l'entrée du canal du Zuid-Willemsvaart 1 centime et 51 millièmes.

Le Gouvernement Belge recevra, pour la première distance ci-dessus, 4 centimes et 10 millièmes, et pour la seconde, 60 millièmes :

à la remonte :

Le Gouvernement Belge recevra, pour la distance entière de cette même partie de la Meuse, 4 centimes et 10 millièmes, et pour la distance jusqu'à l'entrée du canal du Zuid-Willemsvaart, 3 centimes et 50 millièmes.

Le Gouvernement des Pays-Bas recevra 5 centimes et 33 mil-

lièmes, et pour la distance jusqu'à l'entrée du canal susdit, 3 centimes et 82 millièmes.

La perception se fera, conformément à l'Article I, à la descente, par le receveur Néerlandais du bureau d'Eysden, et à la remonte, par le receveur Belge du bureau de Maaseyk.

IV. Les droits de navigation de la Meuse, établis par le présent règlement, seront payés, à chaque bureau de perception, d'après le tarif ci-annexé, pour toute embarcation ou tout train de bois qui y passera ou qui en partira, et ce d'après la contenance mentionnée dans le document indiquant la capacité du bateau, ou d'après le nombre de mètres cubes en ce qui concerne les trains de bois.

Le paiement aura lieu d'avance pour la distance à parcourir d'un bureau à l'autre, soit que l'embarcation parcoure ou non cette distance.

V. Il est néanmoins fait exception à cette règle par rapport aux bateaux qui, après avoir passé le premier bureau à la descente sur la frontière Néerlandaise, quitteront la Meuse pour entrer dans le canal du Zuid-Willemsvaart, auquel cas le droit ne sera dû qu'en raison de la distance à parcourir depuis le bureau dont il s'agit, jusqu'à l'entrée du dit canal.

Par contre les bateaux qui à la remonte passeront devant le bureau de Maaseyk, en destination du canal précité, ne seront assujettis aux droits qu'en raison de la distance depuis l'extrême frontière Belge jusqu'au dit canal.

VI. Seront exempts de tous droits :

1°. Les bateaux chargés d'approvisionnements pour les armées et d'effets militaires appartenant à l'un ou l'autre des 2 Gouvernements respectifs ;

2°. Les bateaux-pêcheurs, ceux servant à traverser la Meuse d'une rive à l'autre, les batelets contenant les agrès des bateaux et ceux servant à transporter les chevaux de halage d'un bord à l'autre ;

3°. Les bateaux chargés d'engrais, de grains en gerbes et de fourrages pour le compte des fermiers dans l'étendue de leurs exploitations, et ces mêmes bateaux allant ou revenant à vide dans la même étendue.

VII. Les bateaux à vide ne payeront que la moitié du droit.

Les bateaux à vapeur ne payeront également que la moitié du droit, et seulement pour les parties de la cale destinées à recevoir un chargement de marchandises, ou pour les marchandises qui seraient chargées sur le tillac.

VIII. Il n'y aura pas lieu d'exiger de nouveaux droits de navigation sur les embarcations qui, après avoir acquitté les dits droits lors de leur passage à un bureau, seraient obligés, par force majeure constatée, d'y retourner ou même de rebrousser chemin plus loin.

IX. Les paiements se feront sur quittance, en monnaie ayant

cours légal dans le pays où ils devront avoir lieu, le franc calculé à 47½ cents des Pays-Bas. Les monnaies inférieures à 50 centimes de Belgique ou 25 cents des Pays-Bas, ne seront toutefois admises que pour solde de fractions au-dessous de cette somme.

X. Les 2 Gouvernements ne pourront augmenter le tarif en aucune manière, pas même indirectement, en prescrivant l'usage du papier timbré ou en établissant d'autres droits de ce genre.

XI. Les droits de navigation de la Meuse ne pourront être affermés, soit en masse, soit partiellement; la perception en sera faite dans chaque Etat pour son compte et par ses employés.

Les 2 Gouvernements s'obligent réciproquement à placer dans leurs bureaux de perception un nombre d'employés suffisant, pour que le service ne soit jamais en souffrance, que les patrons ou conducteurs n'éprouvent point de retard dans leur navigation, et sans que les dispositions de l'Article CCCXVI de la Loi Générale du 26 Août, 1822 ("Journal Officiel," No. 38), puissent être applicables à la perception du droit de navigation.

XII. Les distances prises pour base du droit de navigation, n'ayant été déterminées que d'après des renseignements plus ou moins exacts, il pourra être procédé contradictoirement à un mesurage de la rivière dans toute sa longueur, sur le territoire des 2 Etats, aux frais de celui qui en fera la demande.

Le droit sera rectifié, s'il y a lieu, d'après les distances reconnues par ce mesurage.

XIII. Tout propriétaire ou conducteur de bateau sera tenu, avant de l'employer à la navigation de la Meuse, conformément au présent règlement, de le soumettre au jaugeage des employés désignés à cet effet par les Gouvernements respectifs.

Le mesurage, par tonneau d'un mètre cube, sera fait d'après le règlement sur cette matière du 20 Octobre, 1819, No. 1, actuellement en vigueur dans les 2 pays.

Indépendamment de la marque imprimée au moyen d'un fer rouge sur le bateau, indiquant son numéro et sa capacité, le propriétaire devra faire répéter cette indication, aux endroits les plus apparents des 2 côtés des bateaux, en chiffres blancs sur un fond noir, peints à l'huile de la grandeur d'un décimètre ou palme.

XIV. Tout conducteur de bateau sera tenu de représenter, sur la réquisition qui lui en sera faite par les employés chargés de la perception ou de la surveillance du droit de navigation, le document authentique indiquant la capacité du bateau.

Tout conducteur de trains de bois sera tenu de déclarer aux mêmes employés le nombre de mètres cubes dont le train est composé.

XV. Les tarifs seront affichés dans les bureaux de perception.

[1848—1849.]

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TITRE II.—*De l'Application à la Navigation, des Lois sur les
Douanes des Etats respectifs.*

XVI. Les bateaux appartenant à la navigation de la Meuse, ainsi que leurs cargaisons, venant du Rhin ou des Pays-Bas, passeront librement en transit direct et sans être obligés de rompre charge par toute l'étendue de la Meuse jusqu'en France, et ne payeront en remplacement de tous droits de transit, péages et autres de cette nature, que ceux établis par l'Article Ier du présent règlement ; et réciproquement les bateaux et leurs cargaisons, venant de la France ou de la Belgique, pourront, aux mêmes conditions, faire usage de la Meuse pour se rendre au Rhin ou dans les Pays-Bas.

XVII. Les cargaisons entières ou partielles des bateaux mentionnés à l'Article précédent, seront reçues et pourront rester déposées pendant un temps indéterminé, tant pour la consommation que pour le transit, dans les entrepôts Néerlandais admis pour les marchandises appartenant à la navigation Rhénane, avec faculté d'option, en cas de transit, suivant les dispositions établies pour ces entrepôts, entre le paiement des droits ordinaires d'après les tarifs des Pays-Bas, et celui du droit fixe mentionné à l'Article IV de la Convention de Mayence du 31 Mars, 1831.

En retour, l'entrepôt public de Liège sera ouvert aux cargaisons mentionnées ci-dessus. Elles pourront y être déposées pendant un temps indéterminé et être déclarées en consommation ou en transit par la Meuse, soit qu'elles viennent de la France, des Pays-Bas ou du Rhin, avec faculté d'option, en cas de transit, entre les droits ordinaires d'après le tarif Belge, et le paiement du droit mentionné à l'Article Ier du présent règlement.

Les marchandises sortant des entrepôts indiqués ci-dessus, et destinées à la consommation, seront assujetties aux droits d'après les lois et tarifs des pays respectifs.

XVIII. Les marchandises entreposées ainsi qu'il vient d'être dit, comme appartenant au commerce de la Meuse, ne payeront pour tous droits de magasin, de quai, de grue et de balance, et pour autant qu'il aurait été fait usage de ces établissements, que la quotité indiquée comme maximum pour les entrepôts du Rhin.

Il ne pourra y avoir lieu, quant à la hauteur des droits ci-dessus mentionnés, à aucune distinction entre les cargaisons des différents bateaux exerçant la navigation de la Meuse.

XIX. Le patron ou conducteur d'un bateau destiné à parcourir la Meuse en transit direct sans rompre charge, sera tenu, avant de partir du lieu du chargement, de dresser un manifeste de sa cargaison, suivant les lettres de voiture ou connaissements, qu'il devra se faire délivrer, indiquant la nature et la quantité de marchandises, avec désignation de la personne à qui l'expédition en est faite.

Ce manifeste, qui sera en tout point conforme au modèle joint au présent règlement, devra être signé par le patron ou conducteur, qui sera responsable de son contenu.

XX. Le manifeste ainsi que les lettres de voiture ou connaissements, qui devront accompagner le chargement, seront représentés par le patron ou conducteur aux employés des douanes au premier bureau à l'entrée, et au dernier bureau à la sortie du territoire qu'il traversera en transit direct.

Ces employés s'assureront, par une visite sommaire, de la conformité du chargement avec le manifeste et les pièces y jointes, et ce indépendamment des mesures de précaution mentionnées à l'Article XXIV.

XXI. Indépendamment des obligations prescrites par les Articles XIX et XX, le patron ou conducteur sera obligé de représenter son manifeste aux employés des douanes qui lui en feront la demande, en quelque endroit de la Meuse qu'il puisse se trouver. A défaut de le représenter, il ne pourra pas profiter des avantages que lui assure le présent règlement.

XXII. Le patron ou conducteur de bateau muni du manifeste en bonne et due forme, dont il est parlé à l'Article XIX, ne pourra être arrêté en route sous prétexte de perception d'impôts de l'Etat ou de recherches à faire à cette fin sur le chargement, si ce n'est aux bureaux de douanes à l'entrée ou à la sortie du territoire des 2 Gouvernements, ou dans les cas prévus par l'Article XXXI.

XXIII. Chacun des 2 Etats aura le droit de déterminer, à son gré, les ports et les différents lieu d'atterrage où il sera exclusivement permis de prendre charge ou de décharger.

Néanmoins, lorsqu'un patron ou conducteur sera empêché pour cause de gros temps, de voie d'eau ou d'autres accidents, de continuer sa route, il lui sera permis de mettre son bateau en tout autre lieu de sûreté; il pourra même, au besoin, le faire décharger en tout ou en partie, pourvu que, dans l'un et l'autre cas, cela ait lieu sous la surveillance des employés des douanes et, en leur absence ou à leur défaut, sous celle de l'autorité locale.

Toutefois le patron ou conducteur, en reprenant les marchandises pour continuer sa route, ne sera pas, par ce fait, soumis aux droits suivant le tarif du pays.

Lorsqu'en pareille circonstance, le patron ou conducteur arrivera dans un endroit où il n'y a point d'employés de douanes, il devra de suite donner connaissance de son arrivée à l'autorité locale, et faire ses diligences afin de constater d'une manière légale la force majeure qui l'a obligé à relâcher.

Les employés des douanes du poste le plus voisin du même territoire en seront immédiatement avertis, pour qu'ils puissent prendre des mesures ultérieures de surveillance.

Tout ce que le patron ou conducteur aurait fait de son chef sans en avoir préalablement averti les employés ou, en leur absence et à leur défaut, l'autorité locale, et sans attendre leur intervention, ne sera excusable qu'autant qu'il prouvera, d'une manière incontestable, que le salut du bateau ou de son chargement en dépendait.

XXIV. Indépendamment du manifeste, le patron de bateaux destinés à parcourir, sans rompre charge, des distances où la souveraineté sur la Meuse appartient avec ses 2 rives à un seul et même Gouvernement, ne sera tenu, à l'entrée de ce territoire, à remplir d'autres formalités de douane, que de faire apposer des plombs ou cachets aux écoutilles et aux emplacements servant de dépôt de marchandises, ou de recevoir à bord des gardiens, toutes les fois que les employés des douanes le jugeront convenable, ou enfin de se soumettre à ces 2 formalités réunies.

XXV. Il sera toutefois loisible au patron ou conducteur de bateaux mentionnés à l'Article précédent, d'invoquer, en remplacement des dispositions concernant les manifestes, l'application des formalités des douanes suivant la législation du pays dont il voudra traverser le territoire en transit direct, pourvu qu'il en fasse la demande par écrit au premier bureau à l'entrée de ce territoire.

Il pourra même être obligé de se soumettre aux formalités de douane selon la même législation, lorsque le transit s'opérera par bateaux ouverts ou par bateau dont la fermeture des écoutilles ou autres issues des emplacements servant de dépôts de marchandises, ne pourrait pas être suffisamment assurée au moyen de plombs ou cachets.

Dans l'un et l'autre cas, il n'y aura pas lieu au paiement du droit de transit, mais seulement à celui des droits dus d'après l'Article I du présent règlement.

XXVI. Il y aura lieu à l'application des formalités des douanes suivant la législation des Etats respectifs, par rapport aux bateaux qui chargeront ou déchargeront, soit entièrement, soit partiellement, dans les entrepôts ouverts au commerce de la Meuse, ou lorsqu'il s'agira de marchandises dont la destination, en arrivant dans l'un ou l'autre pays, serait d'y être livrées à la consommation, ou qui y seraient embarquées pour l'exportation.

XXVII. Les allègements ordinaires pour cause d'avarie ou de gros temps, ou qui pourront être temporairement nécessaires en quelques endroits de la rivière, eu égard à l'état moins favorable de son lit pour la navigation, ne seront pas réputés chargements ou déchargements dans le sens de l'Article précédent, lorsque ces allègements se feront sur la rivière sans toucher aux rivages, et sous la surveillance des employés des douanes et, en leur absence ou à leur défaut, sous celle de l'autorité locale la plus voisine.

XXVIII. Le service des gardiens se bornera à la surveillance des bateaux et des chargements ou des plombs et cachets.

Le patron ou conducteur du bateau est tenu de les faire participer à la nourriture de l'équipage, et de leur fournir le feu et la lumière nécessaires ; mais il est défendu à ces gardiens d'exiger ou d'accepter en outre à ce titre et sous aucun prétexte, une rétribution quelconque du patron ou conducteur.

XXIX. Lorsque, en cas de plombage ou d'apposition de cachets aux écoutilles ou emplacements servant de dépôt de marchandises, le patron ou conducteur du bateau sera obligé, par manque d'eau ou par suite d'autres circonstances extraordinaires, d'en alléger le chargement, il devra s'adresser aux employés des douanes du poste le plus voisin, pour faire lever les plombs ou cachets, en se soumettant aux mesures ultérieures que ceux-ci jugeront nécessaires pour prévenir l'importation clandestine d'une partie du chargement.

XXX. Si, dans un des bureaux frontières d'un territoire, soit en entrant, soit en sortant, ou pendant sa traversée, il est reconnu qu'un patron ou conducteur est porteur d'un manifeste infidèle, et qu'il en résulte une fraude consommée ou tentée, il aura, pour ce fait, encouru les peines portées par la loi du pays contre les fausses déclarations.

XXXI. Lorsqu'un patron ou conducteur sera prévenu d'avoir tenté la contrebande, il ne pourra pas invoquer la liberté de la navigation, pour mettre, soit sa personne, soit les marchandises qu'il aurait voulu importer ou exporter frauduleusement, à l'abri des poursuites dirigées contre lui de la part des employés des douanes, sans cependant qu'il puisse y avoir lieu à saisir, pour cause de cette tentative, le reste du chargement qui n'en aurait pas été l'objet, ni, en général, à sévir contre le patron ou conducteur d'une manière plus rigoureuse que ne l'ordonnent les lois générales en vigueur dans l'Etat où la contravention a été constatée.

TITRE III.—*Du Droit d'Exercer la Navigation.*

XXXII. Chacun des 2 Gouvernements prendra les mesures nécessaires pour s'assurer de la capacité des personnes auxquelles il confiera l'exercice de la navigation de la Meuse.

Il sera délivré une patente ou permis au patron ou conducteur reconnu apte par l'autorité de son pays, et cette pièce lui donnera le droit d'exercer la navigation conformément au présent règlement, dans toute l'étendue de la Meuse.

Les patentes de navigation ne seront délivrées qu'à des sujets des Etats riverains de la Meuse ; les bâtiments seront signalés dans ces patentes.

XXXIII. Le patron ou conducteur, admis à la navigation de la Meuse, ne pourra nulle part être contraint à décharger malgré lui ou à transférer son chargement sur d'autres embarcations.

Tous les droits, privilèges et usages, qui pourraient exister en

opposition directe ou indirecte avec la présente disposition, sont et demeurent supprimés, sans qu'ils puissent être rétablis sous quelque dénomination que ce soit.

XXXIV. Le nombre de patrons ou conducteurs sur la Meuse est indéterminé.

Les patrons ou conducteurs exploitant la navigation sur les rivières confluentes de la Meuse, de même que les patrons ou conducteurs du Rhin et de l'Escaut, seront admis par réciprocité à la navigation de la Meuse.

Il suffira dans ce cas, que les patrons ou conducteurs constatent leurs droits à la navigation de l'un des dits fleuves ou rivières.

XXXV. Le transport des personnes, chevaux, voitures, effets et autres objets, d'une rive à l'autre, et tout ce qui tient au commerce ordinaire des 2 rives, n'a rien de commun avec le présent règlement, pas plus que la navigation d'un patron ou conducteur restreint à l'exercer dans le parcours du territoire de son pays sans en dépasser les limites; un tel patron ou conducteur n'étant assujetti qu'aux autorités du pays où il exerce son métier.

XXXVI. Le Gouvernement du pays où le patron ou conducteur est domicilié, a seul le droit, pour des motifs graves, de lui retirer la patente (permis), qui lui aura été délivrée.

Cependant cette disposition n'exclut pas le droit qu'auront les Etats respectifs, de faire poursuivre et juger le patron ou conducteur prévenu d'un délit ou crime, commis sur leur territoire, et de demander même, selon les circonstances, aux autorités de son domicile, que sa patente lui soit retirée.

XXXVII. Lorsqu'il s'agira d'établir un service de navigation à jours et heures fixes, pour le transport des voyageurs et de leurs effets, ou de marchandises d'un pays vers l'autre, la demande d'autorisation devra être faite simultanément aux 2 Gouvernements, qui, s'il y a lieu, en feront l'objet d'une négociation.

TITRE IV.—*De la Police pour la Sécurité de la Navigation et du Commerce.*

XXXVIII. Les 2 Gouvernements s'engagent à donner leur attention particulière à ce que les chemins de halage, existant sur les bords de la Meuse, soient mis et entretenus en bon état, et que toutes les réparations nécessaires aient lieu chaque fois, sans aucun retard, aux frais de qui il appartiendra, et de manière à ne faire éprouver aucun obstacle à la navigation.

Ils s'engagent, de plus, à prendre, dans l'étendue de leurs territoires respectifs, les mesures nécessaires pour que les moulins et autres usines à établir sur la Meuse, ainsi que les batardaux et ouvrages d'art quelconques, ne puissent entraver la navigation, et, en

outre, à faire cesser à leurs frais tous les obstacles qui pourraient se rencontrer dans le lit de la Meuse, lorsque ces obstacles résulteront du défaut de surveillance ou d'entretien convenable.

Les travaux qui devront s'exécuter sur le territoire mixte, pour l'entretien en bon état du lit de la Meuse, devront être exécutés aux frais des 2 Gouvernements, après qu'ils se seront entendus sur l'utilité des travaux.

XXXIX. Afin de conserver les chemins de halage, les berges, travaux d'art et garde-corps, il ne pourra être attaché plusieurs chevaux de front à chacune des cordes de halage.

Il est défendu de déposer sur ces chemins du gravier, des pierres, bois, immondices, de la paille ou du fumier, ainsi que tout autre objet qui pourrait empêcher la circulation et embarrasser les berges.

XL. Les patrons ou conducteurs, dont les bateaux couleraient bas, sont tenus, aussitôt après l'accident, de faire placer une balise au dessus de ces bateaux.

Ils seront tenus de faire relever sans délai les bateaux, et de faire repêcher les marchandises, les agrès et tous autres objets qui seraient restés au fond de l'eau.

XLI. Partout où la localité de la Meuse rend nécessaire le balisage pour la sûreté de la navigation, les droits ou salaires existants seront maintenus et devront être les mêmes pour tous ceux qui exercent la navigation sur la Meuse.

XLII. Conformément à l'usage adopté pour la navigation de la Meuse, lorsque les eaux sont au-dessous d'un mètre à l'échelle de l'étiage, il sera facultatif aux patrons ou conducteurs de coupler à la descente 2 bateaux et une nacelle, dont la contenance réunie ne dépassera pas 110 tonneaux; la faculté de coupler 3 embarcations cessera lorsque les eaux auront atteint une hauteur au-delà de un mètre.

Les bateaux de toute espèce devront toujours avoir 25 centimètres de franc bord au-dessus de l'eau, tout compris, jambresse et bortingle, que le bortingle soit un waterbord faisant corps avec le jambresse (gangboord), ou qu'il soit composé de simples flaches (hausses mobiles) bien ajustées et étoupées de manière à ce que l'eau ne pénètre pas dans le bateau.

XLIII. Les transports de poudre à canon se feront dans les embarcations particulières, sans aucun mélange d'autres objets. Ces bateaux resteront, autant que possible, éloignés des habitations, et se conformeront au surplus exactement aux précautions prescrites par chaque Etat dans l'intérêt de la sûreté publique.

XLIV. Il sera défendu aux fermiers des bacs et nacelles servant au passage d'une rive à l'autre, d'entraver la circulation des bateaux; les patrons ou conducteurs de ceux-ci ne pourront également stationner

de manière à empêcher le service des fermiers ou les abords aux abreuvoirs publics.

TITRE V.—*Des Fraudes, Contraventions, Poursuites et Pénalités.*

XLV. La fraude des droits de navigation sera punie d'une amende du sextuple des droits fraudés, non compris le montant du droit, qui devra toujours être acquitté en sus.

Les autres contraventions au présent règlement seront punies d'une amende de 25 à 100 francs. Quant aux peines que le patron ou conducteur encourra par suite de manifestes infidèles, fausses déclarations ou autres infractions aux lois des douanes, elles seront appliquées suivant la législation sur cette matière dans les Etats respectifs.

XLVI. Le patron ou conducteur qui ne représentera pas, lorsqu'il en sera requis, la quittance des droits de navigation qu'il aura dû payer au bureau précédent, sera passible de l'amende établie contre la fraude des dits droits.

Il sera soumis à la même amende, lorsqu'il passera devant un bureau sans s'y présenter pour le payement du droit, ou qu'il en partira avant d'avoir effectué ce payement, à moins qu'il n'y ait été contraint par une force majeure, dans quel cas, il devra se présenter au bureau de perception aussitôt après que la cause de l'empêchement aura cessé.

XLVII. En cas de contravention au présent règlement, les embarcations, ainsi que leurs chargements, pourront être retenus jusqu'à ce qu'il ait été fourni bonne et valable caution pour la partie contrevenante, tant pour les peines et amendes encourues, que pour les droits dus, et qu'en outre il ait été fait élection de domicile dans le pays où la contravention aura été commise.

XLVIII. Le patron ou conducteur sera, dans tous les cas, responsable des amendes encourues pour contraventions au présent règlement par les gens de son équipage, ou ceux employés à son service, sauf son recours contre ceux qui par leurs faits ou omissions y auraient donné lieu.

XLIX. Les contraventions au présent règlement seront constatées suivant les lois du pays où elles auront été commises.

Toutes les actions, résultant des dispositions du même règlement, seront portées devant le juge du pays où le fait aura eu lieu.

Les causes y seront poursuivies, instruites et jugées comme matières sommaires, et les jugements et arrêts mis à exécution, le tout conformément aux lois en vigueur.

TITRE VI.—*Des Inspecteurs de la Navigation et de leurs Attributions.*

L. Chacun des 2 Gouvernements nommera un inspecteur pour la navigation de la Meuse. Ces inspecteurs exerceront leurs fonctions exclusivement dans les limites du pays auquel ils appartiennent, sauf toutefois qu'ils pourront visiter les bureaux établis pour la perception commune du droit de navigation; les employés de ces bureaux seront tenus de leur exhiber les registres et documents servant à la perception, au contrôle et à la comptabilité du même droit, et de leur donner à cet égard tous les renseignements nécessaires.

LI. Aussi souvent que le besoin du service l'exigera, et au moins une fois par an, ils seront tenus de faire une tournée de leur inspection, afin de reconnaître l'état du lit de la rivière et les obstacles que la navigation pourrait rencontrer; ils visiteront les chemins de halage, et adresseront à leurs Gouvernements des rapports détaillés sur ces objets, de même que sur les contraventions au présent règlement qu'ils auraient pu remarquer ou dont ils auraient eu connaissance par d'autres voies.

LII. Dans le mois de Mai de chaque année, les 2 inspecteurs se réuniront alternativement une année à Maastricht et l'autre à Liège, pour s'entendre sur les propositions à faire à leurs Gouvernements dans l'intérêt du commerce et de la navigation de la Meuse.

Ils se communiqueront réciproquement les observations et les plaintes qui pourraient avoir été faites par rapport à l'exécution du présent règlement; ils recueilleront à cet égard tous les renseignements nécessaires, et pourront, au besoin, se rendre simultanément sur les lieux pour vérifier les faits contestés.

LIII. Lors de leur réunion annuelle, les 2 inspecteurs arrêteront les recettes de l'année écoulée, qui auront été faites aux bureaux du chef de la perception commune; ils en feront le partage suivant les dispositions de l'Article III du présent règlement, et feront effectuer le versement du solde de compte au bureau le plus voisin du pays auquel ce solde sera reconnu appartenir.

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

ANNEXE.—*Tarif des Droits de Navigation établis sur la Meuse, depuis Hastier-Lavaux jusqu'à Gorcum, à percevoir des bateaux et des trains de bois, à raison de chaque mètre cube de contenance ou de volume, sauf les exemptions et réductions mentionnées au Règlement.*

Pour la distance		En descendant au bureau de.	Droits par mètre cube.		En remon- tant au bureau de	Droits par mètre cube.	
de	à						
			Cen- times.	Mill.		Cen- times.	Mill.
La frontière de France et de Belgique.	Dinant.	Hastier-Lavanx.	3	06	Dinant.	3	06
	Dinant.	Dinant.	4	32	Namur.	4	32
	Namur.	Namur.	5	15	Huy.	5	15
	Huy.	Huy.	5	48	Liège.	5	48
	Liège.	La frontière de Belgique à Na- vagne.	Liège.	2	50	Lixhe.	2	50
Navagne.	L'entrée du ca- nal dit Zuid-Wil- lemsvaart.	Eijsden.	2	11			
Navagne.	La frontière des Pays Bas sur la rive gauche de la Meuse.	Eijsden.	9	43	Manseyk.	9	43
La frontière des Pays-Bas sur la rive gauche de la Meuse.	L'entrée du ca- nal dit Zuid-Wil- lemsvaart.				Maaseyk.	7	32
La frontière des Pays-Bas sur la rive gauche de la Meuse.							
Venlo.	Venlo.	Ruremonde.	7	35	Venlo.	7	35
Katwijk.	Katwijk.	Veelo.	9	06	Katwijk.	9	06
Rossum.	Rossum.	Katwijk.	10	60	Rossum.	10	60
Gorcum.	Gorcum.	Rossum.	6	90	Gorcum.	6	90

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

Observation.—Les receveurs des droits de navigation prendront des duplicata manifestes, pour justification de leurs recettes. Ils inscriront dans les 9e et 10e colonnes le montant des droits et amendes perçus, en toutes lettres, et signeront conjointement avec un autre employé.

ANNEXE.—*Manifeste du Patron ou Conducteur de*

Le bâtiment de la capacité de tonneaux, construit à, naviguant sous pavillon et conduit par le soussigné, appartenant en propriété à N.N. à (ou au soussigné); il a été chargé à et contient ce qui suit :

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Visa pour vérification du chargement.	No. des connaissements ou des lettres de voiture.	Noms des expéditeurs et des consignataires.	Lieu de destination des marchandises.	Colis, futailles etc.		Désignation exacte des marchandises, d'après leur dénomination usitée dans le commerce.	Poids de chaque espèce de marchandises.	Montant des	
				Nombre.	Marques et numéros.			droits de navigation.	amendes, s'il en a été perçu.

Le soussigné affirme que le présent manifeste est exact sous tous les rapports, et conforme au chargement.

A le

Anvers, le 20 Mai, 1843.

(Suivent les signatures.)

ARTICLE ADDITIONNEL, ajouté au Règlement pour l'Exécution de l'Article IX du Traité du 19 Avril, 1839, et du Chapitre II, Section IV, du Traité du 5 Novembre, 1842, relativement à la Navigation de la Meuse, arrêté et signé à Anvers, le 20 Mai, 1843.

LES fontes de fer seront, au transit par la Meuse à travers le territoire Belge, assujetties au droit spécial 5 francs par 100 kilogrammes, aussi longtemps que le système des zones sera maintenu en France, pour l'importation de ce produit.

De plus, le transit, par la même voie, des fils et tissus de lin et de chanvre reste prohibé.

Toutefois, la disposition qui précède, relative aux fils et tissus de lin et de chanvre, cessera d'être en vigueur en même temps que la Convention de Commerce conclue entre la Belgique et la France, le 16 Juillet, 1842.*

Le présent Article Additionnel aura la même force et valeur que s'il était ou avait été inséré mot à mot dans le susdit règlement.

Arrêté et signé à la Haye, le 7 Août, 1843, entre le Baron Huyssen de Kattendijke, Ministre des Affaires Etrangères de Sa Majesté le Roi des Pays-Bas, et le Général Prisse, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges.

(L.S.) HUYSSSEN VAN KATTENDIJKE.

(L.S.) PRISSE.

REGLEMENT pour l'Exécution de l'Article X du Traité du 19 Avril, 1839, et du Chapitre II, Section II, du Traité du 5 Novembre, 1842, relativement à la Navigation du Canal de Terneuzen.

LES Commissaires Néerlandais et Belges, réunis à Anvers, en vertu du § 6 de l'Article IX du Traité de Londres du 19 Avril, 1839, autorisés par leurs Gouvernements à s'occuper de la révision du règlement général sur le canal de Terneuzen, du 9 Avril, 1830 ;

Vu l'Article X du même Traité ;

Vu les Articles XXVI à XXXVII du Traité signé à la Haye le 5 Novembre, 1842, ainsi conçus :

“ ART. XXVI. Les navires venant de la mer pour se rendre en Belgique par le canal de Terneuzen, ou *vice versa* ne seront assujettis, pour le parcours de ce canal et la manoeuvre des ponts et des écluses, au paiement d'aucun droit, péage ou rétribution, quelles qu'en puissent être la dénomination et l'espèce, soit au profit des Pays-Bas, soit au profit de la Belgique.

“ XXVII. Les navires non-mentionnés à l'Article ci-dessus ne seront assujettis, pour le parcours du canal de Terneuzen, à aucun autre péage ou rétribution, qu'aux droits dont il sera parlé dans les Articles ci-après.

“ XXVIII. Les tarifs et arrêtés réglementaires de la navigation sur le canal de Terneuzen seront révisés de commun accord dans leur application à la navigation intérieure de ce canal.

“ Jusqu'à ce que cette révision ait eu lieu, la perception se fera d'après le mode en vigueur.

“ Dès à présent les droits de navigation sont réduits aux deux tiers du tarif actuel, et à moitié pour les barques et bateaux à vapeur faisant un service public périodique pour transport de voyageurs ou de marchandises. Les bâtiments et embarcations exclusivement chargés de poisson frais, engrais, pierres, chaux, charbon de terre et tourbes, ne payeront également que la moitié des droits fixés par le tarif précité.

“ XXIX. Le tonnage des bâtiments et embarcations sera calculé à raison de un mètre cube, conformément aux règles tracées par la décision du 20 Octobre, 1819, encore en vigueur dans les 2 pays.

“ Le même mode sera suivi pour les bateaux à vapeur ; mais leur tonnage imposable ne sera calculé que sur les parties de la cale destinées à recevoir un chargement de marchandises.

“ XXX. Le pilotage, s'il y a lieu, soit pour l'entrée ou pour la sortie de Terneuzen, soit pour le parcours du canal, ne pourra être rendu obligatoire, et aucun droit de pilotage ne pourra être exigé, des capitaines de navires qui ne feraient pas usage de pilotes.

“ XXXI. Lorsque le tirant d'eau d'un navire ne lui permettra

pas de naviguer sur le canal, ou qu'il y aura, pour toute autre cause, nécessité d'alléger, tout ou partie de son chargement pourra être transbordé sur des allées, après en avoir préalablement averti les employés des douanes au poste le plus voisin de l'endroit où l'allègement devra avoir lieu. Le transbordement s'effectuera sous la surveillance des douanes du pays où il aura lieu, conformément aux lois en vigueur.

"XXXII. Les allées dont il est parlé à l'Article ci-dessus n'auront à supporter le paiement d'aucun droit de navigation, sous quelque dénomination que ce puisse être.

"Il en sera de même pour les bois amenés par les navires allégés, que ces navires traîneront en radeau à la remorque, le tout pour autant que les allées et les bois en radeau passeront simultanément avec le navire dont le chargement a été allégé.

"XXXIII. Les navires allant de la Belgique à la mer par le canal de Terneuzen et l'Escaut occidental, et *vice versa*, seront exempts de toute visite et formalités de la douane Néerlandaise, à leur entrée, à leur sortie et pendant le parcours du canal de Terneuzen, sauf l'apposition des plombs ou scellés aux écoutilles et aux autres issues, ou la mise à bord de gardiens, dont le nombre ne dépassera pas celui de deux.

"Les gardiens participeront au feu, à la lumière et à la nourriture de l'équipage, mais il leur est défendu de recevoir aucune rétribution, indemnité ou salaire des capitaines.

"XXXIV. Les formalités de douane sur le territoire Néerlandais, en ce qui concerne les navires se rendant de Gand à un autre port de la Belgique, et *vice versa*, seront déterminées par la Commission Mixte d'Anvers.

"Ces formalités ne pourront être plus rigoureuses que celles admises pour la navigation des eaux intermédiaires entre l'Escaut et le Rhin.

"XXXV. Les navires chargés de marchandises destinées en transit de Gand pour le Rhin, et *vice versa*, par le canal de Terneuzen, ne seront assujettis, quant aux douanes, sur le territoire Néerlandais ou le territoire Belge, qu'aux formalités stipulées pour la navigation des eaux intermédiaires entre l'Escaut et le Rhin.

"XXXVI. Les marchandises destinées soit au transit ordinaire, soit à la consommation ou à destination des entrepôts, seront régies respectivement par les lois en vigueur dans les 2 pays.

"XXXVII. Tout fait ou toute tentative de fraude sera constaté et puni suivant les dispositions des lois en vigueur dans le pays où le délit aura eu lieu."

Sont convenus des dispositions suivantes :

TITRE I.—*Perception des Droits de Navigation.*

ART. I. Les 2 Gouvernements, désirant attendre que l'expérience ait démontré s'il y a des motifs d'apporter des changements au taux des droits de navigation sur le canal de Terneuzen, il est entendu que les droits établis par le règlement du 9 Avril, 1830, et modifiés par le Traité du 5 Novembre, 1842, resteront en vigueur jusqu'à ce que cette révision ait eu lieu de commun accord.

II. Les droits seront respectivement perçus par les préposés du canal nommés à cet effet, aux bureaux de Gand, Sas de Gand, et Terneuzen, ainsi qu'à chaque pont.

Ces bureaux de perception seront indiqués par des écriteaux ; le tarif y sera affiché.

III. Il est défendu aux capitaines ou patrons de navires ou autres embarcations, de dépasser les bureaux mentionnés ci-dessus ou les ponts, avant d'avoir acquitté les droits dus.

Les employés chargés de la perception délivreront, contre le paiement des droits, des quittances extraites d'un registre à souches.

Il ne sera pas donné de quittance de paiement des droits au passage des ponts (bruggelden).

IV. Les droits, payables par tonneau, seront perçus conformément aux règles tracées par la décision du 20 Octobre, 1819, sans qu'il y ait lieu à distinguer si les navires ou bateaux sont à vide ou chargés, en tout ou en partie.

La perception se fera d'après le certificat de jaugeage dont le capitaine ou batelier devra être porteur.

V. A la demande des préposés du canal, les capitaines ou bateliers pourront être tenus de se rendre à terre aux bureaux de perception, pour justifier du paiement des droits, de la capacité de leurs bateaux et de la nature de leur chargement.

Quant aux navires qui jouissent de l'exemption des droits de navigation, ils en justifieront au premier bureau d'entrée sur chaque territoire, par l'exhibition des connaissements et autres papiers de bord.

VI. A défaut de produire le certificat de jaugeage, ou si l'employé chargé de la perception des droits a des soupçons graves sur l'exactitude de ce certificat, d'après les dimensions extérieures du bateau, le patron sera obligé de payer d'après une évaluation approximative du tonnage à faire par le dit employé, à moins qu'il ne préfère se soumettre à une vérification au même bureau de perception. Dans ce cas, les frais seront supportés par la partie succombante.

Si le patron a payé d'après l'évaluation et que, dans le terme de 6 mois à dater du paiement, il produise un certificat de jaugeage délivré par l'autorité du pays qui a perçu les droits, et constatant

que cette évaluation lui a été préjudiciable, il y aura lieu à restitution pour l'excédant.

VII. Les trains de bois, à l'exception de ceux, amenés par les navires allégés, que ces navires traîneront en radeau à la remorque, seront assujettis aux droits du tarif, en calculant chaque mètre cube de bois pour un tonneau.

VIII. Les navires et bateaux qui chargeront ou déchargeront à une distance de 1,000 mètres en deçà du point de Meuestede jusqu'à l'écluse à sas ou l'écluse de décharge à Gand, devront payer le même droit qu'au passage de cette écluse.

Il est défendu de commencer le chargement ou le déchargement avant que le paiement de ce droit ne soit effectué.

Pareillement, les navires ou bateaux qui chargeront ou déchargeront à 1,000 mètres en aval ou en amont des écluses au Sas de Gand et à Terneuzen, payeront le même droit qu'au passage de ces écluses.

Ces distances seront indiquées par des poteaux.

En ce qui concerne les bâtiments qui chargeront ou déchargeront dans le port extérieur ou dans l'ancien port de Terneuzen, il sera dû le même droit que celui à payer au passage des écluses.

IX. Si les navires ou bateaux, qui sortent du canal après avoir acquitté les droits de navigation, sont retenus par un vent contraire dans le port extérieur de Terneuzen, il n'y aura plus lieu à leur faire payer aucun droit de port; mais si leur départ n'est point retardé par le temps ou le vent, le droit sera perçu comme sur tous les autres navires qui ne font qu'y entrer.

X. Sont exempts de droits dans le port de Terneuzen, les bateaux faisant un service régulier (beurtlieden), qui d'ancienne date y chargent ou déchargent, de même que les bateaux à vapeur et les barques servant exclusivement au transport des passagers avec leurs effets de voyage, à l'exclusion de toutes marchandises.

XI. A. Tous capitaines ou patrons qui dépasseraient les bureaux de perception mentionnés à l'Article II du présent règlement, sans y avoir acquitté les droits et pris la quittance à bord, de même que ceux qui auraient négligé de payer le droit de port à Terneuzen, seront passibles d'une amende égale au décuple du droit fraudé, non compris le montant du dit droit, qui devra toujours être acquitté en sus.

B. La même disposition, sauf en ce qui concerne la quittance, est applicable à la fraude du droit de pont.

C. Le refus de se rendre aux bureaux de perception, à la demande des employés, ou d'exhiber à ces bureaux le certificat de jaugeage, la quittance des droits de navigation ou les connaissements et autres papiers de bord, sera puni d'une amende de 25 florins (50 francs).

D. Si, faute d'acquitter les droits établis, ou de se conformer à

l'une des dispositions du règlement, les navires ou bateaux sont dans le cas d'être retenus au passage, les capitaines ou bateliers deviendront passibles d'un droit de 10 florins (20 francs) pour chaque jour de station dans le canal.

E. Les contraventions aux §§ 1 et 3 de l'Article VIII donneront lieu à une amende du décuple du droit exigible, non compris le montant du dit droit, qui devra toujours être payé en sus.

XII. Toutes les amendes devront être immédiatement payées contre quittance, au bureau le plus voisin appartenant au pays où la contravention aura été commise, ou garanties par une bonne et solvable caution à la satisfaction des préposés du canal.

Si les capitaines ou bateliers refusent de se conformer à cette disposition ou de payer les droits dus, leurs navires ou bateaux seront retenus à leurs frais jusqu'à parfait payement, lequel sera recouvré suivant les dispositions respectivement en vigueur dans les 2 pays.

TITRE II.—*Police de la Navigation.*

XIII. La manoeuvre des écluses, vannes, poutrelles, ponts, &c., appartient exclusivement aux préposés du canal ou aux agents nommés à cet effet; il est défendu à toute autre personne de s'y livrer sans autorisation préalable.

XIV. Il est défendu de jeter dans les écluses et sur les ponts, des cendres, immondices, pierres, décombres ou autres objets qui pourraient y occasionner quelques entraves ou dommages.

XV. Il est défendu de toucher avec des perches, crocs ou gaffes ferrées à la charpente, aux portes ou à la maçonnerie des écluses et des ponts, ou de faciliter l'entrée ou la sortie des écluses, autrement qu'au moyen des pieux d'amarrage (duc-d'alven).

XVI. Nul ne pourra stationner avec un navire ou bateau, en aval ou en amont, près des écluses ou des ponts, ni y attacher des chaînes ou cordes; le passage du canal devant toujours rester libre, ce dont le maître du port ou, à son défaut, le maître-éclusier décidera.

XVII. Nul ne pourra entrer avec son navire ou bateau dans une écluse qu'après avoir rentré les ancres à bord, à moins qu'on ne les ait à l'avant, le jas en-dessous.

XVIII. Les navires et bateaux ne pourront entrer en pleine marche dans les écluses; ils devront être amarrés aux abords des ouvrages et être tirés afin d'éviter tout dégât.

XIX. Il est défendu de faire entrer un navire ou bateau dans les bassins des écluses, avant que l'opération d'un passage précédant ne soit entièrement terminée.

Les navires ou bateaux y entreranno chacun à son tour, en suivant

l'ordre de leur arrivée, à l'exception des trains de bois, qui passeront toujours les derniers.

Pour maintenir cet ordre, le maître-éclusier pourra distribuer des plombs dont les numéros déterminent le rang d'admission.

La priorité pour le passage est accordée aux yachts royaux, aux embarcations appartenant à l'administration du canal, aux barques et bateaux faisant un service régulier et reconnu, ainsi qu'aux bateaux chargés de poisson frais.

XX. Les navires et bateaux ne pourront s'arrêter dans les bassins des écluses ; les préposés auront le droit de les en faire sortir aussitôt après l'éclusee, afin que les portes des écluses ne restent pas plus longtemps ouvertes qu'il n'est strictement nécessaire.

XXI. Il sera pris par les capitaines ou bateliers, au passage des écluses et des ponts, toutes les précautions possibles pour que les ouvrages d'art ne soient pas endommagés ; ils seront responsables de tous dégâts causés par leur faute, et tenus d'en consigner immédiatement la valeur à fixer approximativement par le maître-éclusier ou le garde-pont.

Les capitaines ou bateliers auront soin, au passage devant les signaux placés à cet effet, de larguer les lignes de halage ou les amarres, et de passer avec prudence aux ponts et écluses.

XXII. Il est défendu de naviguer à voile ou à la vapeur sur le canal ; tous les navires doivent être halés ou tirés, à moins que le courant ne suffise pour les faire avancer.

XXIII. Les navires ou bateaux à mâts fixes étant halés ou tirés, céderont toujours le côté du chemin de halage aux barges employées au transport des voyageurs et autres embarcations de ce genre qu'ils rencontreront.

XXIV. Lorsque des navires ou bateaux à mâts fixes viennent à se rencontrer sur le canal, ceux qui remontent gardent le côté du chemin de halage, et ceux qui descendent prennent le côté opposé.

XXV. Les yachts royaux et les embarcations qui appartiennent aux autorités de l'un ou de l'autre pays pourront garder le côté du chemin de halage, soit à la remonte, soit à la descente du canal.

XXVI. Aucun navire ou bateau ne pourra stationner de Gand à Langerbrugge du côté est, et de Langerbrugge à Terneuzen du côté ouest du canal, soit pour passer la nuit ou hiverner, soit dans tout autre but, et, en cas de chargement ou de déchargement (ce qui ne pourra avoir lieu, sans autorisation préalable, à d'autres endroits qu'à ceux désignés à cet effet), l'on aura soin de baisser le mât et de prendre telles précautions qui seront nécessaires pour éviter tout embarras au passage d'autres bateaux, indépendamment de l'obligation où l'on sera toujours de quitter la place au premier avertissement.

Il y aura, tant de jour que de nuit, au moins une personne à board.

En ce qui concerne l'endroit où devront se placer les navires ou bateaux admis à stationner entre le pont sur la vieille écluse ou Tolhuis, le pont à Muide et la nouvelle écluse à Gand, les capitaines ou bateliers se conformeront aux ordres qui leur seront donnés par le maître-éclusier.

XXVII. Pour le halage, les navires et bateaux ne pourront être attachés latéralement; ils devront toujours être à la suite les uns des autres.

XXVIII. Les trains de bois, à moins qu'ils ne soient amenés à la remorque par des navires allégés, ne pourront naviguer sur le canal ni avant le lever, ni après le coucher du soleil; pendant la nuit, leurs conducteurs seront obligés de les attacher avec soin au côté opposé à celui du halage et d'y placer, sur l'avant et sur l'arrière, une lanterne à vive lumière.

XXIX. Les bâtiments mâtés à trait carré devront apiquer les verges et les brasser en long, de manière à prévenir toute avarie lors du passage d'autres navires ou bateaux.

XXX. Les capitaines ou bateliers de navires ou embarcations qui viennent à se rencontrer aux abords des écluses ou des ponts, sont obligés d'arrêter ou de continuer leur marche, suivant l'ordre qui leur en sera donné par le maître-éclusier ou le garde-pont; faute par eux de se conformer à cet ordre, ils seront passibles de tous dommages et frais que leur refus pourrait occasionner.

XXXI. Lorsque, à raison du temps ou du vent, la navigation du canal ou le passage aux ponts et écluses présentera des difficultés, on sera tenu de détacher plus promptement les cordes de halage, de faire emploi au besoin d'autres cordages, et de prendre toutes les précautions qu'exigeront les circonstances.

En ce qui concerne les écluses établies sur le canal, il est entendu que, lorsqu'il n'y aura pas au moins 20 centimètres d'eau entre la quille du navire et le busc de l'écluse, le maître-éclusier pourra empêcher le passage. En cas de contestation, le tirant d'eau sera constaté contradictoirement.

TITRE III.—*Police des Bords, des Talus, des Ouvrages d'Art et du Lit du Canal.*

XXXII. Il est défendu de faire des travaux ou constructions quelconques le long des bords et chemins de halage du canal, sans en avoir, au préalable, obtenu l'autorisation de l'autorité compétente, qui indiquera l'alignement à suivre.

XXXIII. Nul ne pourra planter des arbres, haies ou taillis à une distance moindre de 3m. 854 des contrefossés ou d'autres lignes séparatives du terrain du canal.

XXXIV. Il est défendu de faire des coupures dans les digues et chemins de halage, d'y placer des aqueducs ou conduits, d'y ouvrir d'anciennes rigoles d'écoulement, de pratiquer des sentiers, montées pour voitures, escaliers, quais de déchargement, ou d'exécuter des travaux de quelque nature que ce soit sur le terrain du canal, sans en avoir obtenu l'autorisation expresse de l'autorité compétente.

XXXV. Il est défendu de passer avec des voitures sur les digues et chemins de halage, à une distance moindre d'un mètre, mesuré de la crête des talus.

XXXVI. Le passage sur les ponts est interdit à des voitures attelées de plus de 2 chevaux, ou chargées de plus de 3,000 kilogrammes. Dans tous les cas, il est défendu de trotter sur les ponts.

Tout passage sur les écluses à Terneuzen est interdit.

XXXVII. Les conducteurs de bestiaux les empêcheront de s'abreuver dans le canal et de marcher sur les talus ou berges ; ils feront, au besoin, usage de cordes, afin que les bestiaux ne puissent s'écarter de la voie publique.

XXXVIII. Il est défendu de gêner le passage sur les talus, chemins de halage, etc., en y déposant des briques, terres, fumiers ou autres objets.

Les dépôts de bois, matériaux et marchandises ne pourront se faire qu'à une distance de 3m. 854 du terrain du canal.

XXXIX. Il est défendu de jeter dans le canal des terres, pierres, décombres, immondices ou autres objets, qui pourraient en encombrer le lit.

XL. Il est également défendu d'apporter le moindre dommage aux digues, écluses, ponts, aqueducs et autres ouvrages appartenant au canal.

Dispositions Communes aux Titres II et III.

XLI. Ceux qui contreviendront aux dispositions des titres II et III encourront une amende de 25 florins (50 francs) ; ils seront en outre tenus de réparer le dommage ou de rembourser les frais qu'ils auront occasionnés et de rétablir les choses dans leur premier état, en démolissant les constructions, plantations ou ouvrages non autorisés, le tout sans préjudice de l'application des lois dans les cas non prévus par le présent règlement.

XLII. Lorsqu'un navire ou bateau aura endommagé les écluses, les berges, ponts ou autres ouvrages du canal, les préposés à la manœuvre des écluses et des ponts devront en instruire leur chef, afin qu'il constate sur-le-champ, par procès-verbal, la nature du dommage, les moyens de réparation et la dépense qui en résultera.

Ces préposés auront en outre soin que les dégâts reconnus soient

signalés à temps aux employés à la première écluse ou au premier pont que le navire devra passer.

Lorsqu'une pareille information aura été donnée, ces agents veilleront, sous leur responsabilité, à ce que le navire ou bateau qui a causé le dommage ne quitte en aucun cas le canal, ni ne franchisse l'écluse ou le pont, avant que la réparation de ce dommage n'ait eu lieu, conformément au procès-verbal, ou qu'il n'ait été fourni caution suffisante, au gré des employés entre les mains desquels le paiement doit s'effectuer.

Il sera toujours loisible à l'auteur du dommage de le faire réparer lui-même, s'il le préfère, pourvu qu'il mette immédiatement la main à l'œuvre, et l'achève d'après les ordres des employés du canal et dans le temps prescrit par eux. Dans ce cas, si les ouvrages ne sont point exécutés comme il convient ou terminés dans le délai fixé, le double du montant de l'évaluation qui en aura été faite deviendra exigible, et si le paiement n'en est effectué de suite, il sera garanti par une consignation en numéraire ou par une bonne et valable caution, avant que le navire ou bateau puisse sortir du canal.

TITRE IV.—*Halage des Navires et Bateaux.*

XLIII. Le halage des navires, bateaux, ou trains de bois passant par le canal de Terneuzen, ne pourra être effectué, que par les soins et l'intermédiaire des chefs-haleurs, agréés de commun accord par l'autorité compétente de chaque pays.

Le passage des écluses et ponts sera interdit à tous navires, bateaux ou trains de bois qui seraient tirés par d'autres chevaux que ceux appartenant aux associations de haleurs légalement reconnues.

Sont néanmoins exceptés de cette interdiction :

- 1°. Les bateaux, jugeant moins de 30 tonneaux ;
- 2°. Les bateaux, halés par des chevaux appartenant aux patrons ;
- 3°. Ceux qui le sont habituellement par les mêmes chevaux, pourvu que, dans ces 2 derniers cas, l'on ait demandé et obtenu l'autorisation préalable.

Il sera facultatif de faire haler par des hommes.

XLIV. Il y aura sur le canal de Terneuzen 4 stations de haleurs, savoir :

- La première à Gand ;
- La seconde à Zelzaete ;
- La troisième à Sas de Gand ; et
- La quatrième à Terneuzen.

XLV. Les maîtres-éclusiers à Gand, au Sas de Gand et à Terneuzen, et le garde-pont à Zelzaete, rempliront respectivement les fonctions de commissaires du halage pour leur station.

XLVI. Les prix du halage seront réglés par cheval, ainsi qu'il suit :

De Gand à Zelzaete	..	..	..	florins 3.25	francs 6.88
De Zelzaete à Gand	..	..	..	„ 3.50	„ 7.41
De Zelzaete au Sas de Gand, et <i>vice</i>					
<i>versâ</i>..	..	..	..	„ 1.00	„ 2.12
Du Sas de Gand à Terneuzen, et <i>vice</i>					
<i>versâ</i>	..	..	..	„ 3.25	„ 6.88

Sous aucun prétexte, il ne pourra être exigé des capitaines ou bateliers d'autres prix que ceux portés au tarif ci-dessus.

XLVII. Les demandes des capitaines ou bateliers pour la halage de leurs navires ou bateaux seront faites aux commissaires des stations, qui détermineront le nombre de chavaux à atteler à chaque bâtiment, eu égard à la saison ainsi qu'à l'état des eaux et du vent.

Les mêmes commissaires calculeront le prix du halage d'après le tarif ci-dessus, et en donneront la note aux parties intéressées.

XLVIII. Les chefs-haleurs à nommer d'après l'Article XLIII verseront entre les mains des commissaires mentionnés ci-dessus un cautionnement de 50 florins ou 100 francs.

XLIX. Les chefs-haleurs seront obligés d'avoir constamment à leur disposition le nombre de conducteurs, de chevaux et de cordes nécessaires, afin de pouvoir, dans les 15 minutes après l'avertissement qui leur sera donné par le commissaire, faire partir les bateaux qui se seraient présentés.

En cas de négligence, les commissaires pourvoiront aux besoins du service aux frais des chefs-haleurs.

L. Sauf les cas de force majeure ou de circonstances extraordinaires, les chevaux attelés aux batiments à Gand devrout les conduire jusqu'au Sas de Gand, et ceux attelés aux bâtiments à Terneuzen devront les conduire jusqu'à Zelzaete.

LI. Les haleurs ne pourront se servir que de chevaux examinés et admis par les commissaires. Les conducteurs ne pourront être âgés de moins de 17 ans et devront être également agréés par les commissaires.

En cas de négligence ou de contravention à ces dispositions, les commissaires prendront, d'office et aux frais des chefs-haleurs, les mesures nécessaires pour assurer la régularité du service.

LII. Les haleurs seront tenus de conduire les navires, bateaux ou trains de bois le plus promptement possible à leur destination, eu égard à l'état des eaux et du vent.

Les capitaines, de leur côté, seront obligés de partir sans retard ; et dans le cas où des causes imprévues retarderaient ou empêcheraient ce départ, les capitaines devront de suite en donner avis aux commissaires ou aux haleurs.

Il sera dû, à titre de dommage, pour un retard qui ne dépassera

pas la première heure, le quart, et pour celui qui dépassera la seconde heure, la moitié du prix de halage qui serait dû pour le trajet à parcourir jusqu'à la station voisine.

Lorsque le retard durera plus de 3 heures, le prix de halage sera acquis en entier aux haleurs, et les chevaux pourront être dételés.

LIII. Les haleurs auront soin que les cordes soient bien tendues lorsqu'elles devront passer au-dessus, et qu'elles tombent à temps lorsqu'elles devront passer au-dessous des bâtiments rencontrés.

Ils détacheront les cordes au passage des signaux placés à cet effet près des ponts et écluses, et avertiront le capitaine aussitôt qu'ils apercevront un bâtiment venant à la rencontre de celui qu'ils conduisent. Ils en agiront de même aux approches des ponts, des grandes courbes, et partout ailleurs où quelque obstacle ou quelque circonstance gênerait la marche du bâtiment ou l'exposerait à des dangers.

TITRE V.—*Dispositions Générales.*

LIV. Les autorités locales des communes riveraines du canal, la maréchaussée (gendamerie) et tous autres officiers et agents de la force publique seront tenus, lorsqu'ils en seront requis, de prêter ou de faire prêter main-forte pour l'exécution des dispositions contenues dans le présent règlement.

LV. Tous capitaines, patrons, bateliers et hommes d'équipage devront traiter avec égard les préposés du canal dans l'exercice de leurs fonctions; ceux qui, à l'occasion de cet exercice, leur susciteraient des entraves ou les maltraiteraient par paroles ou voies de fait, seront poursuivis et punis conformément aux lois pénales des pays respectifs.

LVI. De leur côté, les préposés du canal, ainsi que les haleurs et leurs chefs, se conduiront avec déférence envers tous ceux avec lesquels ils ont des relations dans l'exercice de leurs fonctions.

Toute plainte à laquelle leur conduite pourrait donner lieu sera adressée aux fonctionnaires chargés de la direction du canal, dans l'un et l'autre pays, afin d'y donner la suite nécessaire.

LVII. Dans l'application des dispositions du présent règlement, les capitaines et bateliers seront responsables pour leurs subordonnés, les parents pour leurs enfants, et les maîtres pour leurs domestiques.

LVIII. Les contraventions seront constatées par procès-verbaux, à la diligence des employés des ponts et chaussées, des préposés du canal ou des agents de la police locale.

LIX. Lors même qu'un capitaine ou batelier se croira lésé, soit par la manière d'agir des préposés du canal, soit par les droits ou les dommages-intérêts qu'ils auraient réclamés, il ne devra pas moins se soumettre à ce qui aura été exigé de lui, sauf à exercer ensuite son

recours près de l'autorité compétente, a fin de redressement et de restitution, s'il y a lieu.

LX. Les préposés chargés de la perception des droits de navigation du canal, et de la manoeuvre des ponts et écluses, n'apporteront aucun retard à l'expédition et au passage des navires et bateaux.

LXI. Le paiement des droits se fera en monnaie ayant cours légal dans le pays où le bureau de perception est établi.

LXII. Un exemplaire du présent règlement sera déposé dans chaque bureau de perception, où les capitaines et bateliers pourront en prendre connaissance.

LXIII. Les dispositions du règlement du 9 Avril, 1830, continueront d'être en vigueur, en ce qui concerne la navigation du canal latéral de Roodenhuizen à Hulst et Axel.

Formalités de Douanes à observer par les Navires se rendant de Gand à un autre Port de la Belgique et vice versâ.

LXIV. Les formalités de douanes sur le territoire Néerlandais, en ce qui concerne les navires se rendant de Gand à un autre port de la Belgique et *vice versâ*, seront les mêmes que celles admises pour la navigation des eaux intermédiaires entre l'Escaut et le Rhin.

Anvers, le 20 Mai, 1843,

(Suivent les signatures.)

La présente Convention sera ratifiée et les ratifications en seront échangées à Anvers, dans le délai de 2 mois, ou plus tôt, si faire se peut.

Les règlements seront exécutoires le 31^e jour après l'échange des ratifications.

A dater du même jour, les règlements provisoires concernant le pilotage, la surveillance commune et le droit de navigation de l'Escaut et de ses embouchures, arrêtés à Anvers par la Commission Mixte les 24 et 25 Octobre, 1839, cesseront de sortir leur effet.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention en double, conjointement avec les Secrétaires.

Fait à Anvers, le 20 Mai, de l'an de grace 1843.

COPE VAN HASSELT.
BOEYE.
V. D. VELDE.
H. A. VAN KARNEBEEK.
WAGTHO.
C. LE CLERCQ, *Secrétaire.*

H. DE BROUCKERE.
LESPIRT.
CATEAUX WATTEL.
L. JACOBS.
LAURT. VEYDT.
H. J. ORBAN.
D. S. JOIRIS.
ED. DE CUYPER, *Secrétaire.*

*TRAITE de Séparation entre la Belgique et la Hollande.—Signé
à Londres, le 19 Avril, 1839.*

[Ratifications échangées à Londres, le 8 Juin, 1839.]

Au nom de la Très-Sainte et Indivisible Trinité.

SA Majesté le Roi des Belges, at Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, prenant en considération leurs Traités conclus avec les Cours d'Autriche, de France, de la Grande Bretagne, de Prusse, et de Russie, savoir : par Sa Majesté le Roi des Belges, le 15 Novembre, 1831,* et par Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, en ce jour, leurs dites Majestés ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, le Sieur Sylvain Van De Weyer, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, officier de l'Ordre de Léopold, Grand Croix de l'Ordre d'Ernest de Saxe, de l'Ordre de la Tour et de l'Épée, de l'Ordre Militaire et Religieux des Saints-Maurice et Lazare, Commandeur de l'Ordre Royal de la Légion d'Honneur, etc., etc. ;

Et Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, le Sieur Salomon Dedel, Commandeur de l'Ordre de l'Etoile Polaire de Suède, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, son convenus des Articles suivants :

ART. I. Le territoire Belge se composera des Provinces de Brabant Méridional, Liège, Namur, Hainaut, Flandre Occidentale, Flandre Orientale, Anvers, et Limbourg, telles qu'elles ont fait partie de Royaume des Pays-Bas constitué en 1815, à l'exception des districts de la Province de Limbourg, désignés à l'Art. IV.

Le territoire Belge comprendra en outre la partie du Grand-Duché de Luxembourg indiquée dans l'Art. II.

II. Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, consent à ce que, dans le Grand-Duché de Luxembourg, les limites du territoire Belge soient telles qu'elles vont être décrites cidessous :

A partir de la frontière de France entre Rodange, qui restera au Grand-Duché de Luxembourg, et Athus, qui appartiendra à la Belgique, il sera tiré, d'après la carte ci-jointe, une ligne qui, laissant à la Belgique la route d'Arlon à Longwy, la ville d'Arlon avec sa banlieue, et la route d'Arlon à Bastogne, passera entre Messancy, qui sera sur le territoire Belge, et Cléménéy, qui restera au Grand-Duché de Luxembourg, pour aboutir à Steinfort, lequel endroit restera également au Grand-Duché. De Steinfort, cette ligne sera prolongée dans la direction d'Eischen, de Heebus, Guirsch,

Ober-Pallen, Grende, Nothomb, Parette et Perlé, jusqu'à Martelange; Hechbus, Guirsch, Grende, Nothomb, et Parette, devant appartenir à la Belgique, et Eischen, Ober-Pallen, Perlé, et Martelange au Grand-Duché. De Martelange, ladite ligne descendra le Cours de la Sure, dont le Thalweg servira de limite entre les 2 Etats, jusque vis-à-vis Tintage, d'où elle sera prolongée aussi directement que possible vers la frontière actuelle de l'arrondissement de Diekirch, et passera entre Surret, Harlange, Tarchamps, qu'elle laissera au Grand-Duché de Luxembourg, et Honville, Livarchamps et Loutremange, qui feront partie du territoire Belge; atteignant ensuite, aux environs de Doneols et de Soulez, qui resteront au Grand-Duché, la frontière actuelle de l'arrondissement de Diekirch, la ligne en question suivra la dite frontière jusqu'à celle du territoire Prussien. Tous les territoires, villes, places et lieux situés à l'ouest de cette ligne, appartiendront à la Belgique, et tous les territoires, villes, places et lieux situés à l'est de cette même ligne, continueront d'appartenir au Grand-Duché de Luxembourg.

Il est entendu qu'en traçant cette ligne, et en se conformant autant que possible à la description qui en a été faite ci-dessus, ainsi qu'aux indications de la carte jointe, pour plus de clarté, au présent Article, les Commissaires-démarcateurs dont il est fait mention dans l'Art. VI, auront égard aux localités, ainsi qu'aux convenances qui pourront en résulter mutuellement.

III. Pour les cessions faites dans l'Article précédent, il sera assigné à Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, une indemnité territoriale dans la province de Limbourg.

IV. En exécution de la partie de l'Art. Ier relative à la province de Limbourg, et par suite des cessions que Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, fait dans l'Art. II, sa dite Majesté possédera, soit en sa qualité de Grand-Duc de Luxembourg, soit pour être réunis à la Hollande, les territoires dont les limites sont indiquées ci-dessous :

1°. Sur la rive droite de la Meuse : aux anciennes enclaves Hollandaises sur la dite rive, dans la province de Limbourg, seront joints les districts de cette même province, sur cette même rive, qui n'appartenaient pas aux Etats Généraux en 1790, de façon que la partie de la province actuelle de Limbourg, située sur la rive droite de la Meuse, et comprise entre ce fleuve à l'ouest, la frontière du territoire Prussien à l'est, la frontière actuelle de la province de Liège au midi, et la Gueldre Hollandaise au nord, appartiendra désormais tout entière à Sa Majesté le Roi des Pays-Bas, soit en sa qualité de Grand-Duc de Luxembourg, soit pour être réunie à la Hollande ;

2°. Sur la rive gauche de la Meuse : à partir du point le plus méridional de la province Hollandaise du Brabant septentrional, il sera tiré, d'après la carte ci-jointe, une ligne qui aboutira à la Meuse

au-dessus de Wessem, entre cet endroit et Stevenswaardt, au point où se touchent, sur la rive gauche de la Meuse, les frontières des arrondissements actuels de Ruremonde et de Maestricht de manière que Bergerot, Stamproy, Neer-Itteren, Ittervoordt et Thorn, avec leurs banlieues, ainsi que tous les autres endroits situés au nord de cette ligne, feront partie du territoire Hollandais.

Les anciennes enclaves Hollandaises dans la province de Limbourg, sur la rive gauche de la Meuse, appartiendront à la Belgique, à l'exception de la ville de Maestricht, laquelle, avec un rayon de territoire de 1,200 toises, à partir du glacis extérieur de la place sur ladite rive de ce fleuve, continuera d'être possédée en toute souveraineté et propriété par Sa Majesté le Roi des Pays-Bas.

V. Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, s'entendra avec la Confédération Germanique et les agnats de la Maison de Nassau, sur l'application des stipulations renfermées dans les Art. III et IV, ainsi que sur tous les arrangements que les dits Articles pourraient rendre nécessaires, soit avec les agnats ci-dessus nommés de la Maison de Nassau, soit avec la Confédération Germanique.

VI. Moyennant les arrangements territoriaux arrêtés ci-dessus, chacune des 2 parties renonce réciproquement pour jamais à toute prétention sur les territoires, villes, places et lieux situés dans les limites des possessions de l'autre partie, telles qu'elles se trouvent décrites dans les Articles I, II, et IV.

Les dites limites seront tracées, conformément à ces mêmes articles, par des commissaires-démarcateurs Belges et Hollandais, qui se réuniront le plus tôt possible en la ville de Maestricht.

VII. La Belgique, dans les limites indiquées aux Articles I, II, et IV, formera un Etat indépendant et perpétuellement neutre. Elle sera tenue d'observer cette même neutralité envers tous les autres Etats.

VIII. L'écoulement des eaux des Flandres sera réglé entre la Belgique et la Hollande d'après les stipulations arrêtées à cet égard dans l'Article VI du Traité définitif, conclu entre Sa Majesté l'Empereur d'Allemagne et les Etats Généraux, le 8 Novembre, 1785 ; et, conformément audit article, des commissaires nommés de part et d'autre, s'entendront sur l'application des dispositions qu'il consacre.*

* ART. VI du Traité de Fontainebleau, du 8 Novembre, 1785.—Les Hauts Puissances feront régler de la manière la plus convenable, à la satisfaction de l'Empereur, l'écoulement des eaux des pays de Sa Majesté, en Flandre et du côté de la Meuse, afin de prévenir, autant que possible, les inondations. Les Hauts Puissances consentent même, qu'à cette fin, il soit fait usage, sur un pied raisonnable, du terrain nécessaire sous leur domination. Les écluses qui seront construites à cet effet sur les territoires des Etats Généraux, resteront sous leur souveraineté, et il n'en sera construit dans aucun endroit de leur territoire, qui

IX. § 1er. Les dispositions des Article CVIII jusqu'au 117 inclusivement de l'acte général du Congrès de Vienne, relatives à la libre navigation des fleuves et rivières navigables, seront appliquées aux fleuves et rivières navigables qui séparent ou traversent à la fois le territoire Belge et le territoire Hollandais.

§ 2. En ce qui concerne spécialement la navigation de l'Escaut et de ses embouchures, il est convenu que le pilotage et le balisage, ainsi que la conservation des passes de l'Escaut en aval d'Anvers, seront soumis à une surveillance commune, et que cette surveillance commune sera exercée par des commissaires nommés à cet effet de part et d'autre. Des droits de pilotage modérés seront fixés d'un commun accord, et ces droits seront les mêmes pour les navires de toutes les nations.

En attendant, et jusqu'à ce que ces droits soient arrêtés, il ne pourra être perçu des droits de pilotage plus élevés que ceux qui ont été établis par le tarif de 1829, pour les bouches de la Meuse, depuis la pleine mer jusqu'à Helvoet, et de Helvoet jusqu'à Rotterdam, en proportion des distances. Il sera au choix de tout navire se rendant de la pleine mer en Belgique, ou de la Belgique en pleine mer par l'Escaut, de prendre tel pilote qu'il voudra : et il sera loisible d'après cela aux 2 pays d'établir dans tout le cours de l'Escaut et à son embouchure, les services de pilotage qui seront jugés nécessaires pour fournir les pilotes. Tout ce qui est relatif à ces établissements sera déterminé par le règlement à intervenir, conformément au § 6 ci-après. Le service de ces établissements sera sous la surveillance commune mentionnée au commencement du présent paragraphe. Les 2 Gouvernements s'engagent à conserver les passes navigables de l'Escaut et de ses embouchures, et à y placer et y entretenir les balises et bouées nécessaires, chacun pour sa partie du fleuve.

§ 3. Il sera perçu par le Gouvernement des Pays-bas, sur la navigation de l'Escaut et de ses embouchures, un droit unique de florins 1.50 par tonneau, savoir florins 1.12 pour les navires qui, arrivant de la pleine mer, remonteront l'Escaut occidental pour se rendre en Belgique par l'Escaut ou par le canal de Terneuse, et de florins 0.38 par tonneau des navires qui, arrivant de la Belgique par l'Escaut ou par le canal de Terneuse, descendront l'Escaut occidental pour se rendre dans la pleine mer. Et afin que les dits navires ne puissent être assujettis à aucune visite ni à aucun retard ou entrave quelconque dans les rades Hollandaises, soit en remontant l'Escaut de la pleine mer, soit en descendant l'Escaut pour se rendre en pleine

pourraient nuire à la défense de leurs frontières. Il sera nommé respectivement dans le terme d'un mois, après l'échange des ratifications, des commissaires qui seront chargés de déterminer les emplacements les plus convenables pour lesdites écluses, ils conviendront ensemble de celles qui devront être soumises à une régle commune.

mer, il est convenu que la perception du droit sus-mentionné aura lieu par les agents Néerlandais à Anvers et à Terneuse. De même, les navires arrivant de la pleine mer pour se rendre à Anvers par l'Escaut occidental, et venant d'endroits suspects sous le rapport sanitaire, auront la faculté de continuer leur route sans entrave ni retard, accompagnés d'un garde de santé, et de se rendre ainsi au lieu de leur destination. Les navires se rendant d'Anvers à Terneuse, et *vice versa*, ou faisant dans le fleuve même le cabotage ou la pêche (ainsi que l'exercice de celle-ci sera réglé en conséquence du § 6 ci-après) ne seront assujettis à aucun droit.

§ 4. La branche de l'Escaut dite l'Escaut oriental, ne servant point, dans l'état actuel des localités, à la navigation de la pleine mer à Anvers et à Terneuse, et *vice versa*, mais étant employée à la navigation entre Anvers et le Rhin, celle-ci ne pourra être grevée, dans tout son cours, de droits ou péages plus élevés que ceux qui sont perçus, d'après les tarifs de Mayence, du 31 Mars, 1831, sur la navigation de Gorcum jusqu'à la pleine mer, en proportion des distances.

§ 5. Il est également convenu que la navigation des eaux intermédiaires entre l'Escaut et le Rhin, pour arriver d'Anvers au Rhin, et *vice versa*, restera réciproquement libre, et qu'elle ne sera assujettie qu'à des péages modérés, qui seront les mêmes pour le commerce des 2 pays.

§ 6. Des commissaires se réuniront de part et d'autre à Anvers, dans le délai d'un mois, tant pour arrêter le montant définitif et permanent de ces péages, qu'afin de convenir d'un règlement général pour l'exécution des dispositions du présent Article, et d'y comprendre l'exercice du droit de pêche et du commerce de pêcherie dans toute l'étendue de l'Escaut, sur le pied d'une parfaite réciprocité et égalité en faveur des sujets des 2 pays.

§ 7. En attendant, et jusqu'à ce que le dit règlement soit arrêté, la navigation de la Meuse et de ses embranchements restera libre au commerce des 2 pays, qui adopteront provisoirement à cet égard les tarifs de la Convention, signée le 31 Mars, 1831, à Mayence, pour la libre navigation du Rhin, ainsi que les autres dispositions de cette Convention, en autant qu'elles pourront s'appliquer à la dite rivière.

§ 8. Si des événements naturels, ou des travaux d'art venaient par la suite à rendre impraticables les voies de navigation indiquées au présent Article, le Gouvernement des Pays-Bas assignera à la navigation Belge d'autres voies aussi sûres et aussi bonnes et commodés, en remplacement des dites voies de navigation devenues impraticables.

X. L'usage des canaux qui traversent à la fois les 2 pays, continuera d'être libre et commun à leurs habitants. Il est entendu

qu'ils en jouiront réciproquement et aux mêmes conditions, et que, de part et d'autre, il ne sera perçu sur la navigation des dits canaux que des droits modérés.

XI. Les communications commerciales par la ville de Maestricht, et par celle de Sittard, resteront entièrement libres, et ne pourront être entravées sous aucun prétexte.

L'usage des routes qui, en traversant ces 2 villes, conduisent aux frontières de l'Allemagne, ne sera assujetti qu'au paiement de droits de barrière modérés pour l'entretien de ces routes, de telle sorte que le commerce de transit n'y puisse éprouver aucun obstacle, et que, moyennant les droits ci-dessus mentionnés, ces routes soient entretenues en bon état et propres à faciliter ce commerce.

XII. Dans le cas où il aurait été construit en Belgique une nouvelle route, ou creusé un nouveau canal, qui aboutirait à la Meuse vis-à-vis le canton Hollandais de Sittard, alors il serait loisible à la Belgique de demander à la Hollande, qui ne s'y refuserait pas dans cette supposition, que la dite route ou le dit canal fussent prolongés d'après le même plan, entièrement aux frais et dépens de la Belgique, par le canton de Sittard jusqu'aux frontières de l'Allemagne. Cette route ou ce canal, qui ne pourraient servir que de communication commerciale, seraient construits, au choix de la Hollande, soit par des ingénieurs et ouvriers que la Belgique obtiendrait l'autorisation d'employer à cet effet dans le canton de Sittard, soit par des ingénieurs et ouvriers que la Hollande fournirait, et qui exécuteraient, aux frais de la Belgique, les travaux convenus le tout sans charge aucune pour la Hollande, et sans préjudice de ses droits de souveraineté exclusifs sur le territoire que traverserait la route ou le canal en question.

Les 2 parties fixeraient d'un commun accord le montant et le mode de perception des droits et péages qui seraient prélevés sur cette même route ou canal.

XIII. § 1er. A partir du 1er Janvier, 1839, la Belgique, du chef, du partage des dettes publiques du royaume des Pays-Bas, restera chargée d'une somme de 5,000,000 de florins des Pays-Bas de rente annuelle, dont les capitaux seront transférés du débet du grand-livre d'Amsterdam ou du débet du trésor général du royaume des Pays-Bas, sur le débet du grand-livre de la Belgique.

§ 2. Les capitaux transférés et les rentes inscrites sur le débet du grand-livre de la Belgique par suite du paragraphe précédent jusqu'à la concurrence de la somme totale de 5,000,000 florins des Pays-Bas de rente annuelle, seront considérés comme faisant partie de la dette nationale Belge, et la Belgique s'engage à n'admettre, ni pour le présent ni pour l'avenir, aucune distinction entre cette portion de sa dette publique, provenant de sa réunion avec la Hollande, et toute autre dette nationale Belge déjà créée ou à créer.

§ 3. L'acquittement de la somme de rentes annuelles ci-dessus mentionnées de 5,000,000 florins des Pays-Bas, aura lieu régulièrement de semestre en semestre, soit à Bruxelles, soit à Anvers, en argent comptant, sans déduction aucune de quelque nature que ce puisse être, ni pour le présent ni pour l'avenir.

§ 4. Moyennant la création de ladite somme de rentes annuelles de 5,000,000 florins, la Belgique se trouvera déchargée envers la Hollande de toute obligation du chef du partage des dettes publiques du royaume des Pays-Bas.

§ 5. Des commissaires nommés de part et d'autre se réuniront dans le délai de 15 jours, après l'échange des ratifications du présent Traité, ou la ville d'Utrecht, afin de procéder au transfert des capitaux et rentes qui, du chef du partage des dettes publiques du royaume des Pays-Bas, doivent passer à la charge de la Belgique, jusqu'à la concurrence de 5,000,000 florins de rente annuelle. Ils procéderont aussi à l'extradition des archives, cartes, plans et documents quelconques appartenant à la Belgique ou concernant son administration.

XIV. Le port d'Anvers, conformément aux stipulations de l'Article XV du Traité de Paris, du 30 Mai, 1814, continuera d'être uniquement un port de commerce.*

XV. Les ouvrages d'utilité publique ou particulière, tels que canaux, routes, ou autres de semblable nature, construits en tout ou en partie aux frais du royaume des Pays-Bas, appartiendront, avec les avantages et les charges qui y sont attachés au pays où ils sont situés.

Il reste entendu que les capitaux empruntés pour la construction de ces ouvrages, et qui y sont spécialement affectés, seront compris dans les dites charges, pour autant qu'ils ne sont pas encore remboursés, et sans que les remboursements déjà effectués puissent donner lieu à liquidation.

XVI. Les séquestres qui avaient été mis en Belgique, pendant les troubles, pour cause politique, sur des biens et domaines patrimoniaux quelconques, seront levés sans nul retard, et la jouissance des biens et domaines susdit sera immédiatement rendue aux légitimes propriétaires.

XVII. Dans les 2 pays dont la séparation a lieu en conséquence du présent Traité, les habitants et propriétaires, s'ils veulent transférer leur domicile d'un pays à l'autre, auront la liberté de disposer, pendant 2 ans, de leurs propriétés, meubles ou immeubles, de quelque nature qu'elles soient, de les vendre, et d'emporter le produit de ces ventes, soit en numéraire, soit en autres valeurs, sans empêchement

* ART. XV du Traité de Paris, du 30 Mai, 1814.—"Dorénavant le port d'Anvers sera uniquement un port de commerce."

ou acquittement de droits autres que ceux qui sont aujourd'hui en vigueur dans les 2 pays pour les mutations et transferts.

Il est entendu que renonciation est faite, pour le présent et pour l'avenir, à la perception de tout droit d'aubaine et de détraction sur les personnes et sur les biens des Belges en Hollande, et des Hollandais en Belgique.

XVIII. La qualité de sujet mixte, quant à la propriété, sera reconnue et maintenue.

XIX. Les dispositions des Articles XI jusqu'à XXI inclusivement, du Traité conclu entre l'Autriche et la Russie, le 3 Mai, 1815,* qui fait partie intégrante de l'Acte Général du Congrès de Vienne, dispositions relatives aux propriétaires mixtes, à l'élection de domicile qu'ils sont tenus de faire, aux droits qu'ils exerceront comme sujets de l'un ou de l'autre Etat, et aux rapports de voisinage dans les propriétés coupées par les frontières, seront appliquées aux propriétaires, ainsi qu'aux propriétés qui, en Belgique, en Hollande ou dans le Grand Duché de Luxembourg, se trouveront dans les cas prévus par les susdites dispositions des actes du Congrès de Vienne.

* *Art. XI jusques XXI du Traité conclu entre la Russie et l'Autriche, le 3 Mai, 1815.*—ART. XI. Tout individu qui possède des propriétés sous plus d'une domination est tenu, dans le courant d'une année, à dater du jour où le présent traité sera ratifié, de déclarer par écrit, par-devant le magistrat de la ville la plus prochaine, ou bien le capitaine du cercle le plus voisin, ou bien l'autorité civile la plus rapprochée, dans le pays qu'il a choisi, l'élection qu'il aura faite de son domicile fixe.

Cette déclaration, que le susdit magistrat ou autre autorité devra transmettre à l'autorité supérieure de la province, le rend pour sa personne et sa famille exclusivement sujet du souverain dans les états duquel il a fixé son domicile.

XII. Quant aux mineurs et autres personnes, qui se trouvent sous tutelle ou curatelle, les tuteurs et curateurs seront tenus de faire, au terme prescrit, la déclaration nécessaire.

XIII. Si un individu quelconque, propriétaire mixte, avait négligé au bout du terme prescrit d'une année, de faire la déclaration de son domicile fixe, il sera considéré comme étant sujet de la puissance dans les états de laquelle il avait son dernier domicile; son silence dans ce cas devant être envisagé comme une déclaration tacite.

XIV. Tout propriétaire mixte, qui aura une fois déclaré son domicile, n'en conservera pas moins pendant l'espace de 8 ans, à dater du jour des ratifications du présent Traité, la faculté de passer sous une autre domination, en faisant une nouvelle déclaration de domicile, et en produisant la concession de la puissance sous le Gouvernement de laquelle il veut se fixer.

XV. Le propriétaire mixte qui a fait sa déclaration de domicile, ou qui est censé l'avoir faite, conformément aux stipulations de l'Art XIII, n'est pas tenu à se défaire, à quelque époque que ce soit, des possessions qu'il pourrait avoir dans les états d'un souverain dont il n'est pas sujet. Il jouira, à l'égard de ces propriétés, de tous les droits qui sont attachés à la possession. Il pourra en dépenser les revenus dans le pays où il aura élu son domicile, sans subir aucune détraction au moment de l'exportation. Il pourra vendre ces mêmes possessions et en transporter le montant, sans être soumis à aucune retenue quelconque.

Il est entendu que les productions minérales sont comprises dans les productions du sol mentionnées dans l'Article XX du Traité du 3 Mai, 1815, sus-allégué. Les droits d'aubaine et de détraction étant abolis dès-à-présent entre la Belgique, la Hollande et le Grand-Duché de Luxembourg, il est entendu que, parmi les dispositions ci-dessus mentionnées, celles qui se rapporteraient au droit d'aubaine et de détraction seront censées nulles et sans effet dans les 3 pays.

XX. Personne, dans les pays qui changent de dénomination, ne pourra être recherché ni inquiété en aucune manière, pour cause quelconque de participation directe ou indirecte aux événements politiques.

XXI. Les pensions et traitements d'attente, de non-activité et

XVI. Les prérogatives énoncées dans l'Article précédent de non détraction, ne s'étendent toutefois qu'aux biens qu'un tel propriétaire possédait à l'époque de la ratification du présent Traité.

XVII. Ces mêmes prérogatives s'appliquent cependant à toute acquisition faite dans l'une des 2 dominations à titre d'hérédité, de mariage ou de donation d'un bien, qui, à l'époque de la ratification du présent Traité, appartenait en dernier lieu à un propriétaire mixte.

XVIII. Dans le cas qu'il fût dévolu à un individu, qui ne possède aujourd'hui que sous l'un des 2 Gouvernements, une fortune quelconque à titre d'héritage, de legs, de donation, de mariage, dans l'autre Gouvernement, il sera assimilé au propriétaire mixte, et sera tenu de faire, dans le terme prescrit, la déclaration de son domicile fixe.

Ce terme d'un an datera du jour où il aura apporté la preuve légale de son acquisition.

XIX. Il sera libre au propriétaire mixte, ou à son fondé de pouvoirs, de se rendre en tout temps de l'une de ses possessions dans l'autre, et pour cet effet il est de la volonté des 2 Cours, que le gouverneur de la province la plus voisine délivre les passeports nécessaires à la réquisition des parties. Ces passeports seront suffisants pour passer d'un Gouvernement dans l'autre, et seront réciproquement reconnus.

XX. Les propriétaires, dont les possessions sont coupées par la frontière, seront Traités, relativement à ces possessions, d'après les principes les plus libéraux.

Ces propriétaires mixtes, leurs domestiques et les habitants auront le droit de passer et repasser avec leurs instrumens aratoires, leurs bestiaux, leurs outils, etc., etc., d'une partie de la possession, ainsi coupée par la frontière, dans l'autre sans égard à la différence de souveraineté; de transporter de même, d'un endroit dans l'autre, leurs maisons, toutes les productions du sol, leurs bestiaux et tous les produits de leur fabrication, sans avoir besoin de passeports, sans empêchement, sans redevance et sans payer de droit quelconque.

Cette faveur est restreinte toutefois aux productions naturelles ou industrielles dans le territoire ainsi coupé par la ligne de démarcation. De même, elle ne s'étend qu'aux terres appartenantes au même propriétaire dans l'espace déterminé d'un mille de 15 au degré de part et d'autre, et qui auraient été coupées par la ligne de frontière.

XXI. Les sujets de l'une et de l'autre des 2 Puissances, nommément les conducteurs de troupeaux et pâtres, continueront à jouir des droits, immunités et privilèges dont ils jouissaient par le passé.

Il ne sera également mis aucun obstacle à la pratique journalière de la frontière entre les limitrophes, en allemand *Gränzverkehr*,

de réforme, seront acquittés à l'avenir de part et d'autre, à tous les titulaires, tant civils que militaires, qui y ont droit, conformément aux lois en vigueur avant le 1^{er} Novembre, 1830.

Il est convenu que les pensions et traitements susdits des titulaires nés sur les territoires qui constituent aujourd'hui la Belgique, resteront à la charge du trésor Belge, et les pensions et traitements des titulaires nés sur les territoires qui constituent aujourd'hui le royaume des Pays-Bas, à celle du trésor Néerlandais.

XXII. Toutes les réclamations des sujets Belges sur des établissements particuliers, tels que fonds de veuves, et fonds connus sous la dénomination de fonds des *leges*, et de la caisse des retraites civiles et militaires, seront examinées par la Commission Mixte dont il est question dans l'Article XIII, et résolues d'après la teneur des règlements qui régissent ces fonds ou caisses.

Les cautionnements fournis, ainsi que les versements faits par les comptables Belges, les dépôts judiciaires, et les consignations, seront également restitués aux titulaires sur la présentation de leurs titres.

Si, du chef des liquidations dites Françaises, des sujets Belges avaient encore à faire valoir des droits d'inscription, ces réclamations seront également examinées et liquidées par la dite commission.

XXIII. Seront maintenus dans leur force et vigueur les jugements rendus en matière civile et commerciale, les actes de l'état-civil, et les Actes passés devant notaire ou autre officier public sous l'Administration Belge, dans les parties du Limbourg et du Grand Duché de Luxembourg, dont Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, va être remis en possession.

XXIV. Aussitôt après l'échange des ratifications du présent Traité, les ordres nécessaires seront envoyés aux commandants des troupes respectives, pour l'évacuation des territoires, villes, places et lieux qui changent de domination. Les autorités civiles y recevront aussi, en même temps, les ordres nécessaires pour la remise de ces territoires, villes, places et lieux, aux commissaires qui seront désignés à cet effet de part et d'autre.

Cette évacuation et cette remise s'effectueront de manière à pouvoir être terminées dans l'espace de 15 jours, ou plus tôt, si faire se peut.

XXV. A la suite des stipulations du présent Traité, il y aura paix et amitié entre Sa Majesté le Roi des Belges, d'une part, et Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, de l'autre part, leurs héritiers et successeurs, leurs États et sujets respectifs.

XXVI. Le présent Traité sera ratifié et les ratifications seront échangées à Londres dans le délai de 6 semaines, ou plus tôt, si faire se peut. Cet échange aura lieu en même temps que celui des ratifications du Traité conclu en ce jour entre Sa Majesté le Roi des

Pays-Bas, Grand Duc de Luxembourg, et leurs Majestés l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Roi des Français, la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Roi de Prusse, et l'Empereur de Toutes les Russies.

En foi, de quoi les Plénipotentiaires respectifs ont signé le présent Traité, et y ont apposé le cachet de leurs armes.

Fait à Londres le 19 Avril de l'an de grâce, 1839.

(L.S.) SYLVAIN VAN DE WEYER. (L.S.) DEDEL.

CORRESPONDENCE between Austria, France, Great Britain, Prussia, Russia, and Belgium, relative to the Treaties of April, 1839, for the Separation of Belgium from Holland.—April—June, 1839.

(1.)—*Le Plénipotentiaire Belge aux Plénipotentiaires des 5 Cours.*
Londres, le 14 Avril, 1839.

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges près Sa Majesté Britannique, à l'honneur de soumettre à leurs Excellences les Plénipotentiaires d'Autriche, de France, de la Grande Bretagne, de Prusse et de Russie, des propositions (Annexes A, B, C), concernant les garanties dues aux populations du Limbourg et du Luxembourg, le mode spécial d'acquittement du péage de l'Escaut au moyen d'une rente, et la réduction de la quote-part de la dette. Indépendamment de ces propositions, il a reçu l'ordre d'appeler l'attention de leurs Excellences sur certains points de l'Acte du 23 Janvier, points sur le sens desquels le Gouvernement de Sa Majesté le Roi des Belges a besoin d'être complètement rassuré, afin que l'exécution du Traité à intervenir soit à la fois certaine et facile.

1. L'Article II porte que la route d'Arlon à Bastogne appartiendra à la Belgique, et le village de Martelange au Grand Duché de Luxembourg: dispositions contradictoires, car le village de Martelange est à cheval sur la route, et en majeure partie à sa gauche en partant d'Arlon. Le Soussigné renvoie à la note ci-jointe (Annexe D), qui renferme des détails précis sur l'Etat des lieux. Il est d'ailleurs physiquement impossible de détourner la route, qui, en ce point, présente un caractère tout particulier. La stipulation qui attribue à la Belgique la route d'Arlon à Bastogne est le principe; la disposition qui conserve Martelange au Grand Duché n'est qu'une conséquence: conséquence opposée au principe qui sert de point de départ. Il est évident que, dans l'exécution, c'est le principe qui devra prévaloir et l'emporter dans l'esprit des commissaires-démarcateurs. Toutefois, une déclaration à cet égard prévientrait

des difficultés, en même temps qu'elle rassurerait les commissaires-démarcateurs sur le sens du dernier paragraphe de l'Article II qui les concerne.

2. D'après le *statu quo* existant pour l'Escaut, la navigation de ce fleuve est exempte de tout droit; mais considérée comme de tolérance par le Gouvernement Néerlandais, de fait presque exclusivement en possession du régime fluvial, elle semble dépourvue de garanties. L'Article IX, destiné à faire cesser ce *statu quo*, contient 2 genres de stipulations; il établit un péage au profit de la Hollande, et des garanties en faveur de la Belgique et de la navigation en général. Les garanties sont inséparablement liées à la perception du péage; il est impossible que le *statu quo* cesse quant à l'absence du péage, et subsiste quant au défaut de garanties, les obligations étant dépendantes du droit. La perception de ce droit commencera immédiatement; il faut aussi que les dispositions garantissantes aient immédiatement leur effet, en attendant que le règlement général en ait déterminé l'exécution définitive. Il est donc entendu, par exemple, que, du jour où le droit sera payé, la surveillance commune stipulée par le § 2 sera introduite, que les commissaires nécessaires à cet effet seront nommés de part et d'autre, que le pilotage sera facultatif à l'instant même, sauf régularisation pour le service définitif.

3. Le § 3 de l'Article IX stipule un droit unique pour le trajet, par l'Escaut ou le canal de Terneuse, de la pleine mer en Belgique, ou de la Belgique à la pleine mer; ainsi, en considération du trajet par le canal de Terneuse, les navires devront le droit en entier, bien qu'ils ne se soient servis de l'Escaut que sur une étendue de 4 lieues environ. La Hollande, percevant ainsi le droit dans son intégralité, y trouve le dédommagement de l'entretien du canal que la Belgique, de son côté, entretient de la frontière Hollandaise à Gand, sans percevoir de droit, le péage étant unique. La Belgique se plaint à déclarer que c'est dans ce sens qu'elle entend, de sa part et de la part du Gouvernement Néerlandais, l'exécution de cette disposition. Entendre autrement l'Article IX serait exiger, pour un trajet de 4 lieues, une somme aussi forte que pour un trajet de 18, et placer Gand dans une position très-désavantageuse par rapport à Anvers, en négligeant même les intérêts de Terneuse, point de la Flandre Zélandaise pour lequel le transit vers Gand doit être d'une si grande importance. En mettant Gand et Anvers, relativement au péage, sur la même ligne dans le système de navigation qui rattache ces 2 villes à la mer, la Conférence n'a fait qu'appliquer la pensée à laquelle est due la voie directe de Gand à la mer.

4. La Conférence, en stipulant un droit unique sur la navigation de l'Escaut, a sans doute voulu que, pour calculer ce droit, les conditions de navigation fussent les mêmes pour toutes les nations. Le principe de l'uniformité est donc évident; ce qui peut le paraître

moins, c'est la règle d'après laquelle ce droit uniforme sera évalué : c'est sur le deuxième point que les opinions ont besoin d'être fixées. Il doit en outre être entendu que l'application du droit est subordonnée aux distinctions admises dans la pratique générale, que notamment les bateaux à vapeur ne sont imposés qu'à raison de la marchandise et non de la capacité totale, et que les bateaux remorqueurs sont exempts de tout droit.

5. La quote-part de la dette assignée à la Belgique comprend une rente de 600,000 florins pour avantages commerciaux, au nombre desquels il faut ranger son admission à la navigation des eaux intermédiaires entre l'Escaut et le Rhin. Néanmoins, elle subit en outre des péages qui, selon le § 5 de l'Article IX, doivent être modérés et les mêmes pour le commerce des 2 pays : ce qui assure, dans tous les cas, au commerce Belge la condition de la nation la plus favorisée. Par le § 6, il est réservé au règlement général de fixer le montant permanent et définitif de ces péages. L'admission de la Belgique à la navigation des eaux intérieures ne pouvant être ajournée qu'après la rédaction de ce règlement, et le principe de péages communs étant posé, il en résulte que la Belgique, mise immédiatement en jouissance, participe à la navigation des eaux intérieures, aux mêmes conditions que les navires Néerlandais, en supportant provisoirement les droits que paient ou que paieraient, d'après les tarifs existants, ces derniers, naviguant par ces eaux entre Anvers et le Rhin.

6. La Conférence, en prescrivant, dans certains cas exceptionnels, aux navires de se faire accompagner par des gardes de santé, a subordonné l'accomplissement de cette formalité à la condition qu'il n'y aurait ni entrave ni retard. Il faut donc que le service sanitaire soit organisé de manière que cette condition subsiste ; il faudra notamment que, dans ces circonstances d'exception, les gardes de santé passent sur le navire qui se signale comme suspect, avec assez de promptitude pour qu'il ne soit pas nécessaire de jeter l'ancre, ni d'exposer le navire à un danger quelconque.

7. Il eût été à désirer que la Conférence eût fixé un délai endéans lequel des 2 parties eussent eu à convenir du règlement général sur l'Escaut, et qu'elle eût déterminé le recours à prendre en cas de dissentiment. Cette omission toutefois est moins importante, la mise en possession de la Belgique des avantages assurés en sa faveur étant immédiate, et le gouvernement du Roi des Belges pouvant compter au besoin sur la garantie générale d'exécution stipulée par les 5 grandes Puissances.

8. La Conférence ayant eu pour but d'assurer le droit de navigation sur l'Escaut, il est évident que ce droit emporte celui de stationner librement, si les vents, les glaces ou d'autres circonstances l'exigent, dans toutes les eaux du fleuve et de ses embou-

chures. Si la Conférence n'a pas exprimé ces conséquences du droit, c'est qu'elles ressortaient et du principe et des règles générales du droit des gens : les nier serait nier le principe même. C'est donc dans cet esprit que devra être rédigé le règlement général, acte important qui doit servir de complément à l'Article IX ; c'est aussi dans cet esprit que l'article devra recevoir son application avant la rédaction du règlement.

9. L'Article XII, dans le cas où il serait construit en Belgique une nouvelle route ou creusé un canal qui aboutirait à la Meuse vis-à-vis du canton Hollandais de Sittard, stipule en faveur de la Belgique le droit, en se conformant à certaines formalités, de faire prolonger cette route ou ce canal jusqu'aux frontières d'Allemagne. Il est incontestable que le mot route, surtout opposé au mot canal s'entend de toute communication autre que celle d'un canal et notamment d'un chemin de fer. Si le Gouvernement Belge regarde une explication sur ce point comme n'étant pas sans utilité, c'est qu'il n'est pas parvenu à rassurer des intérêts privés qui se sont adressés à lui.

10. L'Article XXV du Traité destiné à être conclu entre Leurs Majestés le Roi des Belges et le Roi des Pays-Bas, en stipulant paix et amitié entre Leurs Majestés, leurs héritiers et successeurs, a fait naître une observation par le rapprochement de cet article avec l'Article XXVI des Traités conclus le 15 Novembre, 1831,* par Sa Majesté le Roi des Belges avec Leurs Majestés l'Empereur d'Autriche, le Roi des Français, le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Roi de Prusse et l'Empereur de toutes les Russies ; observation sur laquelle le soussigné croit ne pas devoir insister, le mot à perpétuité constituant une véritable réduplication dans le texte même, et la disposition se trouvant d'ailleurs renforcée par l'Article VI, portant que chaque partie renonce à jamais à toute prétention sur les territoires assignés à l'autre, et par l'Article VII, qui déclare la Belgique perpétuellement neutre.

Le Soussigné, en plaçant sous les yeux de leurs Excellences cette note et les 3 propositions qui la complètent, croit avoir mis la Conférence à même d'amener immédiatement la solution définitive de la question Hollando-Belge. Il prie leurs Excellences d'agréer les assurances de sa plus haute considération.

SYLVAIN VAN DE WEYER.

ANNEXE A.—*Garanties pour les Populations du Limbourg et du Luxembourg.*

Il est entendu que les habitants des parties du Limbourg et du Luxembourg qui retournent sous la domination du Roi Grand-Duc, conserveront leurs libertés religieuses, et qu'il leur sera accordé des

* Vol. XIX. page 1412.

institutions en rapport, soit avec la loi fondamentale des Pays-Bas, soit avec les statuts fédéraux de l'Allemagne.

(A l'appui de la proposition concernant les garanties civiles et religieuses dues aux populations du Limbourg et du Luxembourg, le plénipotentiaire Belge a mis sous les yeux de la Conférence, à la suite de l'annexe A, l'Article IX du Traité de Nimègue du 10 Août, 1678; l'Article IV du Traité de Ryswick en 1697; l'Article IV du Traité de Paris du 10 Février, 1763; le Traité d'Utrecht du 11 Avril, 1713; l'Article XI des demandes Prussiennes au Congrès d'Utrecht, 1713; l'Article VI du Traité de Francfort du 22 Juillet, 1744; l'Article XXI du Traité de Fontainebleau du 8 Novembre, 1785; l'Article V du Traité de paix de Kiel entre le Danemark et la Suède, 1814; les VIII Articles de Londres, 1814; l'Article IV de la déclaration des Puissances sur les affaires de la Confédération Helvétique du 20 Mars, 1815; l'Article XVI du Traité entre la Prusse et la Saxe du 18 Mai, 1815; l'Article XVI de l'Acte pour la Constitution Fédérative de l'Allemagne du 8 Juin, 1815; enfin les Article I et LXXXVIII de l'Acte du Congrès de Vienne du 9 Juin, 1815.)*

* *Traité de Paix de Nimègue, 10 Août, 1678.*

ART. IX. Lesdits seigneurs états-généraux promettent que toutes choses qui concernent l'exercice de la religion Catholique Romaine, et la jouissance des biens de ceux qui en font profession, seront rétablies et maintenues sans aucune exception dans ladite ville de Maestricht et ses dépendances, en l'état comme elles étaient réglées par la capitulation de l'an 1632, et que ceux qui auront été pourvus de quelques biens ecclésiastiques, canonicats, personats, prévôtes et autres bénéfices, y demeureront établis, et en jouiront sans aucune contradiction.

Traité de Ryswick en 1697.

ART. IV. Seront restitués, surtout à Sa Sacrée Majesté Impériale et à l'Empire, et à ses Etats et Membres, par Sa Majesté Très-Chrétienne, tous les lieux et droits occupés tant pendant la guerre par les voies de fait, que sous le nom d'union et de réunion, qui sont situées hors de l'Alsace, ou contenues dans la liste des réunions qui a été produite par l'ambassade Française, de manière que les décrets, arrêts et déclarations qui ont été rendus pour cet objet par les chambres de Metz et Besançon et par le Conseil de Brisach, sont cassés, et que tout sera remis dans l'état où cela était avant lesdites occupations, cessions ou réunions, pour n'être plus troublés ou inquiétés; néanmoins, la religion Catholique Romaine restera, dans les lieux ainsi restitués, dans l'état où elle est présentement.

Traité de Paris, 10 Février, 1763.

(Traduction de l'Anglais.)

ART. IV. Sa Majesté Très-Chrétienne renonce à toutes les prétentions qu'elle a formées jusqu'ici ou qu'elle pourrait avoir formées sur la Nouvelle-Ecosse ou l'Acadie, en toutes ses parties, et la garantit tout entière et avec toutes ses dépendances, au Roi de la Grande-Bretagne; de plus, Sa Majesté Très-Chrétienne cède et garantit à Sa dite Majesté Britannique, en plein droit, le Canada avec toutes ses dépendances, aussi bien que l'île du cap Breton, et toutes les autres îles et côtes dans le golfe et fleuve de St. Laurent, et en général, tout ce qui dépend desdits pays, terres, îles et côtes, avec la souveraineté, propriété,

ANNEXE B.—*Proposition d'un Mode Spéciale de Paiement sur l'Escaut.*

Les droits de navigation sur l'Escaut seront acquittés à Sa Majesté le Roi des Pays-Bas par Sa Majesté le Roi des Belges, à la

possession et tous les droits acquis par traité ou autrement, que Sa Majesté Très-Chrétienne et la couronne de France ont eus jusqu'ici sur lesdits pays, terres, îles, places, côtes et leurs habitants, de façon que le Roi Très-Chrétien cède et délaisse le tout audit Roi, à la couronne de la Grande-Bretagne, et cela dans la forme et manière la plus ample, sans restriction et sans la liberté de revenir sur ladite cession et garantie, sous aucun prétexte, ou de troubler la Grande-Bretagne dans les possessions ci-dessus mentionnées. Sa Majesté Britannique, de son côté, convient d'accorder le libre exercice de la religion Catholique aux habitants du Canada; elle donnera, en conséquence, les ordres les plus précis et les plus efficaces pour que ses nouveaux sujets Catholiques Romains puissent professer le culte de leur religion, suivant les rites de l'Eglise Romaine, autant que les lois de la Grande-Bretagne le permettent.

Traité d'Utrecht, du 11 Avril, 1713.

Ratification faite à Madrid, le 2 Mai, 1713.

La partie du haut quartier de Gueldre, dite Gueldre espagnole . . . , que ledit seigneur, Roi de Prusse, occupe et possède actuellement, lui est cédée à perpétuité Cette cession ainsi faite avec cette clause expresse que l'état de la religion Catholique subsistera dans lesdits lieux cédés, en tout et partout, tel qu'il était avant leur occupation, et sous la domination des rois d'Espagne, sans que ledit seigneur, roi de Prusse, y puisse rien changer.

Congrès d'Utrecht, 1715.—Des Demandes Prussiennes.

ART. IX. Comme plusieurs Français de la religion réformée, ayant été obligés de quitter la France, se sont réfugiés sous l'obéissance de Sa Majesté, et sont devenus ses sujets par droit de naturalisation, bourgeoisie et autres, et qu'entre ces réfugiés quelques-uns ont laissé, en France, leurs maris, femmes, enfans, pères, mères et autres proches parens, et que plusieurs y ont acquis depuis des biens par succession, hérédité, ou autrement, sans avoir pu les retirer et en jouir, Sa Majesté, en conséquence de la protection qu'elle doit à ses sujets, demande : 1° qu'il soit permis à ces maris, femmes, enfans, pères, mères ou autres proches parens desdits réfugiés, de sortir librement de France, et de venir rejoindre leurs maris, femmes, enfans, pères, mères, ou autres proches parens établis sous l'obéissance de Sa Majesté; 2° la restitution de tous les biens, meubles et immeubles, appartenant de droit, tant auxdits réfugiés qu'à leurs descendants nés sous l'obéissance de Sa Majesté, ou à leurs héritiers qui y sont; 3° que lesdits réfugiés et leurs descendants nés sujets de Sa Majesté, seront considérés et réputés en toute manière comme de véritables sujets de Sa Majesté, et qu'ainsi ils jouissent, tant en France que dans toute l'étendue de sa domination, de tous droits, privilèges, franchises, immunités, libertés et avantages dont les autres sujets du Roi doivent jouir, sans aucune exception ni réserve. Sa Majesté souhaite de plus qu'il plaise à Sa Majesté Très-Chrétienne d'accorder, en considération de l'amitié qui doit être rétablie par la paix, la liberté de la conscience à ceux de la religion réformée qui resteront en France, comme aussi de faire élargir et remettre en liberté tous ceux qui, à cause de la religion réformée, sont détenus dans les prisons, couvens, galères ou autres lieux.

Traité de Francfort, entre l'Empereur et la Prusse, du 22 Juillet, 1744.

ART. VI. Sa Majesté Prussienne promet et s'engage le plus fortement qu'il est possible, elle, ses héritiers et descendants à l'infini, de maintenir la religion

décharge de tous les pays indistinctement, au moyen d'une somme consistant dans une rente fixe et un supplément éventuel et variable.

Catholique et l'exercice d'icelle, dans les pays qui sont cédés, de la même manière qu'elle y est présentement établie, sans pouvoir jamais y faire le moindre changement ni la moindre innovation, sous quelque prétexte, motif ou raison que ce puisse être.

Traité de Fontainebleau, du 8 Novembre, 1785.

ART. XXI. Il sera libre aux sujets respectifs de se retirer des pays qui viennent d'être cédés réciproquement, et ceux qui y resteront jouiront du libre exercice de leur religion. Les 2 puissances pourvoiront respectivement à la compétence et à l'entretien des desservans de leurs églises.

Traité de Paix de Kiel, entre le Danemarck et la Suède, 1814.

ART. V. Sa Majesté le Roi de Suède s'engage, par conséquent, de la manière la plus formelle, de laisser jouir, pour le futur, les habitants du royaume de Norwège et de ses dépendances, de toutes les lois, libertés de tous les droits et privilèges maintenant existants.

VIII Articles de Londres, 1814.

ART. I. Cette réunion devra être intime et complète, de façon que les deux pays ne forment qu'un seul et même état, régi par la constitution déjà établie en Hollande, et qui sera modifiée, d'un commun accord, d'après les nouvelles circonstances.

II. Il ne sera rien innové aux articles de cette constitution qui assurent à tous les cultes une protection et une faveur égales, et garantissent l'admission de tous les citoyens, quelle que soit leur croyance religieuse, aux emplois et offices publics.

III. Les provinces Beligiques seront convenablement représentées à l'assemblée des états-généraux, dont les sessions ordinaires se tiendront, en temps de paix, alternativement dans une ville Hollandaise et dans une ville de la Belgique.

IV. Tous les habitants des Pays-Bas se trouvant ainsi constitutionnellement assimilés entre eux, les différentes provinces jouiront également de tous les avantages commerciaux et autres que comporte leur situation respective, sans qu'aucune entrave ou restriction puisse être imposée à l'une au profit de l'autre.

V. Immédiatement après la réunion, les provinces et les villes de la Belgique seront admises au commerce et à la navigation des colonies sur le même pied que les provinces et les villes Hollandaises.

VI. Les charges devant être communes, ainsi que les bénéfices des dettes contractées jusqu'à l'époque de la réunion, par les provinces Hollandaises d'un côté, et de l'autre, par les provinces Beligiques, seront à charge du trésor général des Pays-Bas.

VII. Conformément aux mêmes principes, les dépenses requises pour l'établissement et la conservation des fortifications sur la frontière du nouvel état, seront supportées par le trésor général, comme résultant d'un objet qui intéresse la sûreté et l'indépendance de toutes les provinces et de la nation entière.

VIII. Les frais d'établissement et d'entretien des digues resteront pour le compte des districts qui sont plus directement intéressés à cette partie du service public, sauf l'obligation de l'état général à fournir des secours en cas de désastre extraordinaire, le tout ainsi que cela s'est pratiqué jusqu'à présent en Hollande.

Cette somme sera payée par douzièmes, le premier de chaque mois, par anticipation, au Consul Néerlandais à Anvers, par un agent du Gouvernement Belge.

Le Ministre de Nagell, Secrétaire d'Etat pour les Affaires Etrangères, déclara, sous la date du 21 Juillet, 1814, qu'il était autorisé par le Prince Souverain des Pays-Bas-Unis à accepter la souveraineté des provinces Belgiques sous les conditions contenues dans les 8 Articles.

*Déclaration des Puissances sur les Affaires de la Confédération Helvétique,
du 20 Mars, 1815.*

ART. IV. Les habitants de l'évêché de Bâle, et ceux de Bienne, réunis aux cantons de Berne et de Bâle, jouiront à tous égards, sans différence de religion (qui sera conservée dans l'état présent), des mêmes droits politiques et civils, dont jouissent et pourront jouir les habitants des anciennes parties desdits cantons. En conséquence, ils concourront avec eux aux places de représentants et aux fonctions, suivant les constitutions cantonales. Il sera conservé à la ville de Bienne, et aux villages ayant formé sa juridiction, les privilèges municipaux compatibles avec la constitution et les réglemens généraux du canton de Berne.

Traité entre la Prusse et la Saxe, du 18 Mai, 1815.

(Traduction.)

ART. XVI. Les communautés, corporations et établissemens religieux et d'instruction publique qui existent dans les provinces et districts cédés par Sa Majesté le Roi de Saxe à la Prusse, ou dans les provinces et districts qui restent à Sa Majesté Saxonne, conserveront, quel que soit le changement que leur destination puisse subir, leurs propriétés, ainsi que les redevances qui leur appartiennent d'après l'acte de leur fondation, ou qui ont été acquises depuis par eux, par un titre valable devant les lois, sous les 2 dominations Prussienne et Saxonne, sans que l'administration et les revenus à percevoir puissent être molestés ni d'une part, ni de l'autre, en se conformant toutefois aux lois et en supportant les charges auxquelles toutes les propriétés ou redevances de la même nature sont sujettes dans le territoire dans lequel elles se trouvent.

Acte pour la Constitution Fédérative de l'Allemagne, du 8 Juin, 1815.

(Traduction.)

ART. XVI. La différence des confessions chrétiennes dans les pays et territoires de la Confédération Allemande, n'en entraînera aucune dans la jouissance des droits civils et politiques. La diète prendra en considération les moyens d'opérer, de la manière la plus uniforme, l'amélioration de l'état civil de ceux qui professent la religion Juive en Allemagne, et s'occupera particulièrement des mesures par lesquelles on pourra leur assurer et leur garantir dans les Etats de la Confédération, la permanence des droits civils, à condition qu'ils se soumettent à toutes les obligations des autres citoyens. En attendant les droits accordés déjà aux membres de cette religion par tel ou tel état en particulier, leur seront conservés.

Acte du Congrès de Vienne, du 9 Juin, 1815.

ART. I. Les Polonais, sujets respectifs de la Russie, de l'Autriche et de Prusse, obtiendront une représentation et des institutions nationales, réglées d'après le mode d'existence politique, que chacun des gouvernemens auxquels ils appartiennent jugera utile et convenable de leur accorder.

ART. LXXXVIII. Les Gènois jouiront de tous les droits et privilèges spécifiés dans l'acte intitulé : *Conditions qui doivent servir de bases à la réunion des Etats*

La rente fixe est de 240,000 florins ; elle ne pourra être inférieure à cette somme, et sera due quand même le tonnage annuel n'aurait point atteint ce chiffre.

Si, à l'expiration d'une première période de 3 ans, commençant au 1er Juillet, 1839, le tonnage moyen de ces 3 années offrait un chiffre supérieur à la rente fixe sus-indiquée, le Gouvernement Belge paierait, pendant la deuxième période de 3 ans, c'est-à-dire, à partir du 1er Juillet, 1842, outre la rente fixe, et toujours par douzièmes, un supplément égal à l'excédant de la première période.

Si, à l'expiration de la deuxième période, on constatait de nouveau un excédant du chiffre moyen du tonnage sur la rente fixe, le Gouvernement Belge paierait également, pendant la nouvelle période de 3 ans, c'est-à-dire à partir du 1er Juillet, 1845, la rente fixe et un supplément ; et ainsi de suite, toujours en ayant égard, pour fixer le supplément, au chiffre moyen de la dernière période de 3 ans.

Pour évaluer le tonnage annuel, on supposera les bateaux à vapeur imposés seulement à raison de la marchandise et non de leur capacité totale, et les bateaux remorqueurs totalement exempts : on déduira du nombre total les navires Néerlandais.

Si le Gouvernement Belge négligeait ou refusait d'acquitter directement la rente et éventuellement le supplément, le Gouvernement Néerlandais aurait le droit de percevoir les péages de chaque navire, conformément au § 3 de l'Article IX.

ANNEXE C.—*Proposition pour une Réduction de Dette.*

Parmi les éléments des calculs auxquels la Conférence s'est livrée pour arriver à la fixation, à 5 millions de florins, du chiffre de la dette de la Belgique envers la Hollande, figure encore, ainsi que cela se trouve exposé dans la note du plénipotentiaire Belge, du 4 Janvier dernier, une annuité d'un million de florins pour la dette dite Française.

Il a cependant été établi, de la manière la plus patente et la plus authentique, tant dans la correspondance diplomatique que par le mémoire de la commission des finances, et les notes et discussions verbales des Commissaires du Gouvernement à Londres, que cette dette avait été remboursée par la Convention du 25 Avril, 1818,* en majeure partie au moyen de créances Belges.

En persistant à grever encore la Belgique de ce chef, les Plénipotentiaires des 5 Cours lui refuseraient la seule application qui puisse lui être faite du principe de confusion de bénéfices, invoqué par la Conférence elle-même, et posé dans l'Article VI du Protocole

de Gènes à ceux de Sa Majesté Sarde : et ledit acte tel qu'il se trouve annexé à ce traité général, sera considéré comme partie intégrante de celui-ci, et aura la même force et valeur que s'il était textuellement inséré dans l'article présent.

* Vol. V. page 179.

annexé à l'Acte de Vienne, tandis que, dans toutes les circonstances favorables à la Hollande, cette puissance a profité, de la manière la plus large, des avantages de ce même principe.

A l'appui de cette dernière observation, on peut faire remarquer qu'on a refusé à la Belgique tout concours au partage de la marine de guerre et du matériel des arsenaux, et qu'on ne lui a tenu aucun compte de ce qu'elle a payé chaque année, pendant l'existence de la communauté, à la décharge de la Hollande, pour les intérêts de l'énorme dette que celle-ci avait apportée dans cette communauté, et dont il a été amorti une bonne partie aux dépens de la Belgique.

Toutefois, entrant dans les considérations qui ont porté la Conférence à terminer le différend Hollando-Belge par un chiffre transactionnel sur l'ensemble du partage des dettes, et voulant donner aux 5 Cours un nouveau témoignage de son désir de paix et de conciliation, le Gouvernement Belge se borne à demander une nouvelle réduction de 400,000 fl., qui ne porterait plus le chiffre de la dette proprement dite (c'est-à-dire, abstraction faite des 600,000 florins pour prix d'avantages de commerce et de navigation, dont il va être question ci-après) qu'à 4 millions de florins.

Il est un autre fait sur lequel le Gouvernement Belge attire l'attention spéciale, et invoque l'équité de la Conférence; c'est sur la confusion dans le chiffre de la dette, et dans le transfert des rentes et capitaux des 600,000 florins dont il vient d'être fait mention pour prix d'avantages commerciaux.

L'étendue de ces avantages n'est point explicitement stipulée dans le Traité; mais en tout cas, rien n'y indique qu'une portion quelconque de la dette ait pour cause ou destination le paiement de ce prix.

Il serait donc logique et juste que cette somme fit l'objet d'un Article spécial du Traité, et le Gouvernement Belge insiste avec d'autant plus de force sur cette demande, que déjà les Plénipotentiaires d'Angleterre et de France, qui en comprenaient la valeur et la justesse, avaient promis aux Commissaires Belges leurs bons offices à cet égard. Il est entendu, en outre, que le paiement de la rente n'aura lieu qu'à partir de l'époque où s'opérera l'échange des Ratifications.

ANNEXE D.—*Note relative à Martelange.*

L'Article II du Traité du 15 Novembre est ainsi conçu :

“ Dans le Grand-Duché de Luxembourg, les limites du territoire Belge seront telles qu'elles sont décrites ci-dessous :

“ A partir de la frontière de France, entre Rodange, qui restera au Grand-Duché de Luxembourg, et Athus, qui appartiendra à la Belgique, il sera tiré, d'après la carte ci-jointe, une ligne qui, laissant à la Belgique la route d'Arlon à Longwy, la ville d'Arlon avec sa

banlieue, et la route d'Arlon à Bastogne, passera entre Messancy, qui sera sur le territoire Belge, et Clémency, qui restera au Grand-Duché de Luxembourg, pour aboutir à Steinfort, lequel endroit restera également au Grand-Duché. De Steinfort, cette ligne sera prolongée dans la direction d'Eischen, Hecbus, Guirsch, Ober-Pallen, Grende, Northomb, Parette, et Perlé, jusqu'à Martelange; Hecbus, Guirsch, Grende, Northomb, et Parette devant appartenir à la Belgique, et Eischen, Ober-Pallen, Perlé, et Martelange, au Grand-Duché. De Martelange, la dite ligne descendra le cours de la Sure dont le Thalweg servira de limite entre les 2 Etats jusque vis-à-vis Tintange."

Les stipulations qui précèdent avaient évidemment pour but de laisser à la Belgique la communication entière et continue de Bruxelles vers la France, que l'on suit aujourd'hui pour se rendre à Metz, en passant par Namur, Marche, Bastogne, Martelange, Arlon, Messancy, Aubange, Longwy, &c.

Le texte même de l'Article le prouve suffisamment. En effet, il est dit qu'il sera tiré une ligne laissant à la Belgique la route d'Arlon à Longwy, la ville d'Arlon et sa banlieue et la route d'Arlon à Bastogne.

En partant de cette disposition qui constitue le principe, le village de Martelange ne saurait faire partie du Grand-Duché de Luxembourg. Il doit nécessairement rester à la Belgique, parce que la grande route passe à travers ce village, et laisse même la plus grande agglomération de maisons à sa gauche avec l'église. Ce qui a pu donner lieu à la contradiction que présente le texte, c'est la position assignée au village de Martelange, sur la plupart des cartes, par rapport à la grande route de Namur à Arlon: suivant ces cartes, ce village se trouve placé entièrement sur la droite et en dehors de la route, ce qui est une erreur de fait, due sans doute à la récente construction de cette route, construction postérieure à la publication de la grande carte de Ferraris, que l'on s'est borné à copier servilement, sans jamais s'enquérir des changements survenus depuis et continuant l'état définitif des lieux.

La communication indiquée sur la carte de Ferraris n'était pas une véritable route, en partant de Luxembourg, la route s'arrêtait un peu au-delà d'Arlon: de ce point jusqu'à Bastogne et Marche, il n'existait plus de communication régulièrement ouverte et assurée; les voitures de roulage et les messageries suivaient le terrain naturel jusque près de Marche; mais elles rencontraient dans le trajet des obstacles presque insurmontables, notamment pour descendre dans le vallon de la Sure à Martelange, et atteindre ensuite le point culminant du versant de gauche de ce vallon. Là, il fallait gravir 2 coteaux présentant des inclinaisons de 20 à 25 pour cent, ce qui exigeait parfois l'emploi de 30 à 40 chevaux.

L'administration Française, reconnaissant l'impérieuse nécessité de faire disparaître cet obstacle, entreprit l'abaissement des côtés de Martelange. Cet ouvrage, véritable chef-d'œuvre de l'art, ne fut complètement terminé que de 1808 à 1809. Il exigea une dépense considérable, car la route, taillée presque entièrement dans le roc, a dû être établie à mi-côte, afin de pouvoir lui donner une pente de 5 centimètres par mètre.

L'intervention du Gouvernement Français dans l'établissement de la route d'Arlon à Namur par Bastogne, se borna à l'abaissement des côtes de Martelange; le surplus de cette communication de Martelange à Arlon, et de Martelange à Marche, fut exécuté sous le Gouvernement des Pays-Bas.

Par suite des travaux faits à Martelange, le village de ce nom se trouve placé à cheval sur la grande route, et, si, aux termes de l'Article II, ce village devait appartenir au grand-duché de Luxembourg, il y aurait solution de continuité pour la route, ce qui serait contraire à la pensée de la Conférence et au principe qui lui sert de point de départ; l'on sait d'ailleurs que la Belgique n'a que cette seule communication pour atteindre la frontière de France du côté de Longwy.

Il serait matériellement impossible de détourner la route, qui, en ce point, offre un caractère tout particulier: ce n'est pas dans l'intérêt de Martelange que l'on a fait passer à grands frais la route par ce village; c'est que l'on ne pouvait passer ailleurs.

Les explications qui précèdent sont rendues plus sensibles encore par l'inspection du croquis ci-joint.

(2.)—*Les Plénipotentiaires des 5 Cours au Plénipotentiaire Belge.*

Foreign Office, 18 Avril, 1839.

Les soussignés, plénipotentiaires des Cours d'Autriche, de France, de la Grande Bretagne, de Prusse et de Russie, ont reçu la note, accompagnée de plusieurs annexes, que M. le Plénipotentiaire de Sa Majesté le Roi des Belges leur a fait l'honneur de leur adresser le 14 du courant, et ils se félicitent de reconnaître, par le contenu de cette pièce, que les dispositions qui animent le Gouvernement Belge sont de nature à promettre la solution immédiate et définitive de la question Hollando-Belge.

Les soussignés sont dans le cas de répéter, relativement aux objets touchés dans les 3 premières annexes de la note de M. le Plénipotentiaire de Sa Majesté le Roi des Belges, ce qu'ils ont eu l'honneur de lui déclarer dans leur note du 4 Février, savoir: qu'au point où en est aujourd'hui la négociation, et depuis l'adhésion pure et simple donnée par Sa Majesté le Roi des Pays-Bas aux actes du 23 Janvier, ils ne sauraient entrer en discussion sur aucune nouvelle proposition, et que les dispositions des dits actes, ainsi que leur texte, ne sont

plus susceptibles d'aucun changement ni ne peuvent recevoir aucune addition.

Les soussignés ne sauraient, en conséquence, admettre la stipulation proposée dans l'annexe A, au sujet des libertés religieuses et politiques réclamées en faveur des habitants des parties du Limbourg et du Luxembourg qui retournent sous la domination du Roi Grand-Duc. Ils observent que les dites libertés qui, par leur nature, sont exclusivement du ressort du régime intérieur des Etats auxquels, sous un point de vue légal, les territoires en question n'ont point cessé d'appartenir, trouvent leur garantie, soit dans la loi fondamentale du Royaume des Pays-Bas, auquel une partie des dits territoires est destinée à être réunie, soit dans les dispositions des actes formant la constitution fédérative de l'Allemagne, qui sont applicables au Grand-Duché de Luxembourg, en sorte que la réclamation de M. le Plénipotentiaire Belge se trouve effectivement sans objet.

Quant à la proposition développée dans l'annexe B, d'un mode de paiement à effectuer de Gouvernement à Gouvernement, pour remplacer la perception directe du droit de tonnage sur l'Escaut, les soussignés, sans méconnaître ce que ce mode semblerait présenter d'avantages et de facilités pour les 2 parties intéressées, ne sauraient, par les raisons ci-dessus mentionnées, considérer cette question comme susceptible d'être traitée par eux, tandis qu'il dépendra des Gouvernements Belge et Néerlandais de s'entendre de gré à gré à ce sujet, lorsqu'ils le jugeront conforme à leurs intérêts. L'impossibilité où les soussignés se trouvent placés d'admettre un changement dans les dispositions des actes du 23 Janvier, s'applique également à la quotité de la rente imposée à la Belgique du chef de la dette commune, aux éléments qui ont servi de base à l'établissement de cette rente, et au terme où elle doit commencer; objets dont traite l'Annexe C de la note de M. le Plénipotentiaire Belge.

Obligés d'écarter tout ce qui renfermerait une stipulation nouvelle, ou une modification des actes du 23 Janvier, les soussignés se sont appliqués à l'examen des points du Traité sur lesquels M. le Plénipotentiaire de Sa Majesté le Roi des Belges a désiré obtenir des éclaircissements; ils se trouvent à même de lui donner sur ces objets les explications suivantes:

Ad 1. Il semble qu'il y a eu erreur dans la détermination de la frontière sur le point de Martelange; les commissaires-démarcateurs tenus, aux termes du Traité, à avoir égard aux localités et aux convenances qui pourront en résulter mutuellement, auront à régler cet objet à la satisfaction des 2 parties.

Ad 2. Les droits relatifs à la navigation de l'Escaut, accordés aux 2 parties, et clairement définis par le Traité, tels que la perception du droit unique de tonnage d'une part, et le concours à la surveillance commune, ainsi que le pilotage facultatif de l'autre,

doivent trouver leur application aussitôt après l'échange des Ratifications du Traité, et il n'est réservé au règlement à intervenir, que de déterminer en détail le mode d'exercer ces mêmes droits de la manière la plus convenable dans l'intérêt réciproque.

Ad 3. Le droit de tonnage à percevoir par le Gouvernement Néerlandais sur la navigation de l'Escaut et de ses embouchures, étant un droit de reconnaissance et de transit, le calcul des distances n'a pas dû être pris en considération pour le déterminer. Mais il a été entendu que les bâtiments venant de la Belgique pour se rendre à la haute mer, ou venant de la haute mer pour se rendre en Belgique, et ce dans l'une et l'autre direction, soit par l'Escaut, soit par le canal de Terneuse, ne fussent assujettis qu'à un droit unique. En conséquence, il ne saurait être perçu d'autre droit ni sur la partie Hollandaise, ni sur la partie Belge, du canal qui communique entre Terneuse et Gand.

Ad 4. Suivant l'usage généralement établi parmi les nations, les droits proportionnés à une mesure de capacité se perçoivent d'après la mesure du pays où ils sont levés. Or, le droit unique de tonnage quoique perçu à Anvers, est censé être levé dans les parages Néerlandais, et il doit par conséquent être réglé pour les bâtiments de toutes les nations, d'après le tonneau Néerlandais ou le "cubick elle," égal au mètre de cube de France et au tonneau actuel Belge, et contenant 35,3170 pieds cubes Anglais. Quant aux bateaux à vapeur qui sont généralement soumis à un traitement exceptionnel, les Soussignés sont d'avis que le droit à percevoir doit être réglé d'après le principe que le tonnage de ces bâtiments ne sera calculé que relativement à la partie de leur capacité destinée à recevoir un chargement de marchandises; principe qui renferme de plus l'exception des bateaux remorqueurs servant uniquement à la remorque: lesquels semblent d'ailleurs rentrer dans la catégorie des bâtiments qui font le cabotage dans le cours du fleuve.

Ad 5. Il ressort du sens du paragraphe 5 de l'Article IX, que la Belgique jouira, aussitôt après l'échange des Ratifications, de la navigation sur les canaux et eaux intermédiaires, aux mêmes conditions que les navires Hollandais, et en supportant les mêmes droits suivant les tarifs en vigueur.

Ad 6. Les termes exprès du paragraphe 3, d'après lesquels les navires suspects auront la faculté de continuer la route sans entrave ni retard, renferment, l'obligation de faire passer les gardes de santé, sans que les bâtiments soient aucunement arrêtés dans leurs cours. Au reste, les instructions à donner aux pilotes, tant Néerlandais que Belges, pour signaler les vaisseaux suspects, rentrent dans les attributions des commissaires à nommer de part et d'autre pour exercer la surveillance commune d'après le § 2 de l'Article IX.

Ad 7. Cette remarque trouve sa solution dans les explications données au No. 2.

Ad 8. La libre navigation de l'Escaut renferme, sans aucun doute, la faculté, pour tout navire, de stationner librement dans toutes les eaux de ce fleuve et de ses embouchures, si les vents, les glaces ou d'autres circonstances l'exigent, et il n'est pas à prévoir qu'aucune contestation puisse s'élever sur cet objet, qui pourra, au reste, être plus positivement déterminé par le règlement.

Ad 9. Le terme générique d'une route à construire éventuellement par le canton de Sittard s'applique naturellement à la construction d'un chemin de fer comme à toute autre espèce de route.

Ad 10. Les Soussignés ne peuvent qu'applaudir à la sage réserve de M. le Plénipotentiaire de Sa Majesté le Roi des Belges, qui s'abstient d'insister sur les mots à perpétuité, omis sans aucune intention dans la rédaction de l'Article XXV du Traité entre la Belgique et la Hollande. Cette omission qui n'infirme aucunement la solidité et la durée de l'engagement, et à laquelle suppléeraient, au besoin, les expressions des Articles VI et VII, cités dans la note du 14 Avril, est, au reste, d'autant moins de conséquence qu'elle est conforme à divers précédents.

Après avoir satisfaits, par les explications qui précèdent, au désir de Sa Majesté le Roi des Belges d'être rassuré sur le sens des divers points qu'elles concernent, il ne reste aux Soussignés qu'à exprimer la confiance que M. le Plénipotentiaire Belge va leur déclarer immédiatement qu'il est prêt à procéder à la signature du Traité entre les 5 Puissances et Sa Majesté le Roi des Belges, et du Traité entre Sa dite Majesté le Roi des Pays-Bas, annexés à la note des Soussignés du 23 Janvier.

Les Soussignés, &c.

SENFFT.

H. SEBASTIANI.

PALMERSTON.

BULOW.

POZZO DI BORGO.

(3.)—*Le Plénipotentiaire Belge aux Plénipotentiaires des 5 Cours.*

Londres, 19 Avril, 1839.

LE soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges près Sa Majesté Britannique, a reçu la réponse que leurs Excellences les Plénipotentiaires des 5 cours ont bien voulu lui faire à la communication qu'il avait eu l'honneur de leur adresser sous la date du 14.

Le soussigné regrette que la Conférence n'ait pas pu se saisir de la proposition relative à l'acquittement du péage sur l'Escaut au moyen d'une rente annuelle; mode de paiement dont leurs Excellences ont néanmoins apprécié les avantages, circonstance qui ne peut manquer d'exercer une favorable influence sur la négociation spéciale et directe à ouvrir à ce sujet entre les 2 parties.

Le Gouvernement du Roi apprendra sans doute avec peine que la Conférence se soit crue dans l'impossibilité d'améliorer la position de la Belgique par une réduction plus forte de la dette.

Il verra avec satisfaction que, si la Conférence n'a pas admis un Article Additionnel, relatif aux garanties civiles et religieuses dues aux populations du Limbourg et du Luxembourg, c'est qu'elle regardait comme sans objet une semblable stipulation, les garanties en question résultant d'actes déjà existants.

En ce qui concerne les 10 points qui, indépendamment des 8 dispositions ci-dessus rappelées, ont été soumis à leurs Excellences, le Gouvernement du Roi, s'étant rencontré avec la Conférence, se trouve, par les explications qu'il a reçues, pleinement satisfait et rassuré. La Conférence, qui avait apporté tant de soin à la rédaction de l'Art. IX, relatif à une question qui intéresse le monde commercial, a mis la réalisation de son œuvre à l'abri de toute contestation et de tout retard.

Il reste un dernier devoir à remplir au soussigné, pour compléter cette communication. Sa Majesté le Roi des Belges a retrouvé avec douleur, dans les projets qui lui ont été soumis, les stipulations territoriales imposées dans des jours de malheur, et demeurées 7 années sans exécution; le temps a exercé une bienfaisante influence sur d'autres questions, et celle-ci, digne d'une généreuse sollicitude, est restée irrévocablement résolue. Il a fallu que ce résultat se reproduisît avec son caractère primitif de nécessité, pour que le pays pût se résoudre à un si grand sacrifice; il a fallu que l'Empire des circonstances fût de nouveau constaté de la manière la plus évidente.

Sa Majesté devait un dernier effort à des populations qui lui ont montré tant d'affection et de dévouement; et, si elle renonce à les conserver, c'est moins à cause des dangers qui menaçaient la Belgique entière, qu'en considération des maux qui devaient fondre sur les provinces du Limbourg et du Luxembourg. Jamais Sa Majesté n'a senti plus péniblement toute l'entendue de la tâche qu'elle a acceptée dans l'intérêt de la paix générale, et pour constituer une nationalité devenue une condition nécessaire de la politique Européenne; elle trouvera une consolation dans l'idée que cette nationalité et cette paix sont désormais à l'abri de toute atteinte.

Le Soussigné a été chargé de donner ces explications, afin que la marche et le caractère de la résolution de son Gouvernement ne pussent être méconnus; il déclare, en conséquence, que, vu les éclaircissements renfermés dans la note de la Conférence en date du 18, il est autorisé à signer, aux termes de l'Acte du 23 Janvier, les Traités entre Sa Majesté et les 5 Cours et Sa Majesté le Roi des Pays-Bas.

Le Soussigné, &c.

SYLVAIN VAN DE WEYER.

(4.)—*Le Plénipotentiaire Belge au Plénipotentiaire de la Grande Bretagne.*

Foreign Office, 7 Mai, 1839.

LE Soussigné, Plénipotentiaire de Sa Majesté le Roi des Belges, s'empresse de transmettre à son Excellence le Vicomte Palmerston copie d'une dépêche que le Gouvernement du Roi vient d'adresser à Londres, sous la date du 23, au sujet de la réponse de la Conférence aux questions relatives à l'Escaut. Sa Seigneurie verra qu'une erreur de fait a été commise par la Conférence en ce qui concerne le tonnage des Pays-Bas et la réduction en pieds Anglais. Il importe que cette erreur, qui trouve son correctif dans le principe général posé par la Conférence, soit cependant rectifiée avant l'échange des ratifications, afin d'éviter toute confusion d'idées que pourraient faire naître les chiffres erronés. Le soussigné prie son Excellence le Vicomte Palmerston de vouloir bien arrêter, de commun accord avec leurs Excellences les Plénipotentiaires d'Autriche, de France, de Prusse et de Russie, le mode de rectification à suivre en cette occurrence.

Le Soussigné, &c.

SYLVAIN VAN DE WEYER.

(*Annexe.*)—*M. de Theux à M. Sylvain Van. de Weyer.*

M. LE MINISTRE,

Bruxelles, le 23 Avril, 1839.

La réponse de la Conférence au n° 4, des questions sur l'Escaut, renferme une grave erreur de fait qu'elle doit absolument rectifier avant l'échange des ratifications. Dans ma dépêche du 27 Février dernier, je m'en étais référé à l'Article CCXCII de la loi générale du 26 Août 1822,* en vigueur tant en Hollande qu'en Belgique. Or, le texte de cette loi porte: que le tonneau sera estimé équivaloir à 1,000 livres des Pays-Bas, représentés par une aune et demie cube, mesure des Pays-Bas, c'est-à-dire, une aune cube plus la moitié du volume d'une aune cube; ce qui fait 52,9755 $\left(\frac{35,3170}{17,6855}\right)$ au lieu de 35,3170 comme le porte la note de la Conférence, laquelle suppose seulement un mètre et a oublié la moitié de ce mètre.

* ART. CCXCII du Loi du 26 Août, 1822. Tous bâtiments ou navires de mer qui, après l'époque mentionnée en l'Article I, entreront dans les ports de ce Royaume ou en sortiront par mer ou par les eaux dites Wadden, situées entre les îles et la côte de la Frise et de la province de Groningue, seront assujettis à un droit de tonnage, qui sera calculé selon leur port ou capacité en tonneaux, c'est-à-dire suivant le nombre de tonneaux qu'ils jaugent ou peuvent contenir.

Le tonneau sera estimé équivaloir à 1,000 livres des Pays-Bas, représentées par une aune et demie cube, mesure des Pays Bas.

Les bâtiments soumis à ce droit, seront divisés en 3 classes, et la perception en sera effectuée au taux ci-après fixé, pour chacune d'elles.

Il semblerait d'abord étrange que l'on ait adopté la mesure d'un mètre et demi pour un tonneau Néerlandais, tandis qu'en France on a adopté un mètre, mais il est à remarquer qu'en France l'ordonnance du 18 Novembre 1837,* motivée sur ce que la mesure d'un mètre est trop défavorable au commerce, a déterminé un nouveau mode de jaugeage qui, par son application, amène un résultat semblable à celui obtenu en Hollande et en Belgique, ainsi que je vous l'avais fait remarquer par ma dépêche susdite du 27 Février dernier et ainsi que le démontre une autre lettre le M. le Ministre des Finances en date de ce jour.

J'ai dit que la déclaration de la Conférence du 18 Avril dernier renferme une erreur de fait dans l'énoncé d'un mètre au lieu d'un mètre et demi et ensuite dans la réduction en pieds Anglais; mais la Conférence avait, dans la même déclaration, posé en principe que c'était la loi du lieu de débit du droit, et conséquemment le tonneau Néerlandais, qui devait servir de base d'application pour toutes les nations. Or, ce tonneau doit être celui déterminé par la loi actuellement en vigueur en Hollande; il est donc impossible qu'il soit entré dans les intentions de la Conférence de diminuer la valeur de ce tonneau et d'augmenter par là de moitié le péage déjà beaucoup trop onéreux de l'Escaut. Ce qui le prouve plus clairement encore, c'est que la Conférence a eu uniquement en vue de résoudre la question de savoir si le péage serait uniforme pour toutes les nations et si ce serait d'après la loi Hollandaise.

Comme je vous l'ai dit, M. le Ministre, les ratifications ne peuvent être échangées avant que cette erreur ne soit rectifiée. Veuillez, en conséquence, vous concerter avec les Plénipotentiaires de la Conférence et plus particulièrement avec Lord Palmerston sur le mode à suivre pour la rectification.

Comme je dois faire un rapport à la Chambre des Représentans

* ART. I. A partir du 1 Mars, 1838, le jaugeage des bâtimens à voiles de commerce, dans les ports Français, aura lieu ainsi qu'il suit :

Les 3 dimensions principales servant à l'évaluation du tonnage continueront à être prises conformément à la loi du 12 Nivôse an 2.

Ces 3 dimensions seront exprimées en mètres et fractions décimales du mètre.

Leur produit, divisé par le nombre 3 80, exprimera le tonnage légal du bâtiment.

II. Le nombre de tonneaux ainsi obtenu sera gravé au ciseau sur les faces, avant et arrière du maître-bau : cette opération sera faite, soit lors de la mise à l'eau du bâtiment, soit lorsqu'après avoir subi des réparations importantes, ou pour toute autre cause, le jaugeage devra être effectué de nouveau.

Afin de faciliter les vérifications de la douane, des marques fixes seront appliquées ou gravées, par les soins de l'administration, sur les points du bâtiment où auront été prises les dimensions principales sur lesquelles le tonnage aura été calculé.

le 2 Mai, et que des interpellations me seront sans doute adressées à ce sujet, je dois être à même d'y répondre.

M. Sylvain Van de Weyer.

DE THEUX.

(5.)—*Les Plénipotentiaires des 5 Cours au Plénipotentiaire Belge.*

Londres, le 31 Mai, 1839.

Les soussignés, Plénipotentiaires des Cours d'Autriche, de France de la Grande-Bretagne, de Prusse et de Russie ont pris connaissance d'une note adressée, le 7 du courant, par M. le Plénipotentiaire Belge à M. le Plénipotentiaire de la Grande Bretagne, communiquant une dépêche de son Gouvernement relative à une erreur que les plénipotentiaires des 5 Cours auraient commise dans leur note du 18 Avril, en ce qui concerne le tonnage Néerlandais et la réduction en pieds Anglais du tonneau des Pays-Bas.

Les soussignés, ayant constaté l'exactitude des observations faites par le Gouvernement Belge, et de la disposition de la loi Néerlandaise du 26 Août 1822 rapportée dans la dépêche du Ministère Belge, ont l'honneur de déclarer que la réponse qu'ils ont donnée dans leur note du 18 Avril, au quatrième objet sur lequel M. le Plénipotentiaire de Sa Majesté le Roi des Belges a désiré, dans sa note du 14 du même mois obtenir des éclaircissements, doit être interprétée d'après le principe qui s'y trouve clairement établi, savoir: que le droit de tonnage sur l'Escaut doit être perçu conformément à la mesure qui est actuellement en usage dans les ports Néerlandais, d'après les dispositions de la loi précitée, qui fixe le contenu d'un tonneau Néerlandais à une aune et demie cube, et que l'erreur de fait dans laquelle la Conférence est tombée en évaluant cette mesure à 35,3170 pieds Anglais ne saurait aucunement altérer l'application dudit principe.

Les Souissignés, &c.

ESTERHAZY.

BOURQUENEY.

PALMERSTON.

WERTHER.

POZZO DÌ BORGO.

(6.)—*Extrait du Protocole du 31 Mai, 1839, sur le délai en procédant à l'échange des Ratifications des Traités.*

LE Plénipotentiaire de Sa Majesté Britannique a proposé à la Conférence de proroger le terme fixé pour l'échange des ratifications des Traités du 19 Avril jusqu'au 8 Juin, par le motif que le Plénipotentiaire Belge, en conséquence d'un accident tout à fait indépendant de la volonté de son Gouvernement, n'avait point encore reçu ses ratifications, et que le temps matériel avait manqué au collationnement de celles de presque toutes les autres Cours.

Les Plénipotentiaires d'Autriche, de France, de Prusse et de Russie, ainsi que ceux de Belgique et des Pays-Bas ayant adhéré à la proposition du Plénipotentiaire de la Grande-Bretagne, la Conférence a été convoquée pour le 8 Juin, ou plus tôt si faire se pouvait, afin de procéder à l'échange des ratifications des Traités du 19 Avril.

(7.)—*Protocole d'une Conférence tenue au Foreign Office, le 8 Juin 1839, sur l'échange des Ratifications.*

PRESENTS les Plénipotentiaires : d'Autriche, de France, de la Grande-Bretagne, de Prusse et de Russie.

Les Plénipotentiaires des 5 Cours étant réunis en conférence, le Plénipotentiaire de Sa Majesté Britannique annoncé que M. le Plénipotentiaire de Sa Majesté le Roi des Belges, ayant reçu les actes de ratification de son Gouvernement, était prêt à procéder à l'échange de ces actes avec les Plénipotentiaires des 5 Cours et avec le Plénipotentiaire des Pays-Bas.

Les Plénipotentiaires Néerlandais et Belge ayant été introduits, le Plénipotentiaire de Sa Majesté la Reine de la Grande Bretagne leur a remis la déclaration ci-jointe, *sub littera A*.

Le Plénipotentiaire de Sa Majesté le Roi des Belges a ensuite remis la déclaration ci-jointe *sub littera B*, aux Plénipotentiaires des 5 Cours et au Plénipotentiaire des Pays-Bas.

Le Plénipotentiaire de Sa Majesté le Roi des Pays-Bas a, de son côté, remis la déclaration ci-jointe *sub littera C*, aux Plénipotentiaires des 5 Cours et au Plénipotentiaire de la Belgique.

Les Plénipotentiaires des Cours respectives ont procédé ensuite à l'échange des ratifications des Traités du 19 Avril, 1839.

ESTERHAZY.

BOURQUENEY.

PALMERSTON.

WERTHER.

POZZO DI BORGO.

ANNEXE A.—*Déclaration du Plénipotentiaire de Sa Majesté la Reine de la Grande Bretagne et d'Irlande, relative aux Domaines à Laeken.—Londres, le 8 Juin, 1839.*

IN proceeding to the exchange of the ratifications of the Treaties relative to the Netherlands and Belgium, signed at London on the 19th of April, 1839, between their Majesties the Queen of the

EN procédant à l'échange des ratifications des Traités relatifs aux Pays-Bas et à la Belgique, signés à Londres le 19 Avril, 1839, entre leurs Majestés la Reine du Royaume Uni de la

United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of the French, the King of Prussia, and the Emperor of All the Russias, on the one part, and their Majesties the King of the Belgians and the King of the Netherlands, Grand Duke of Luxemburg, respectively, on the other part, the Undersigned Plénipotentary of Her Britannic Majesty is commanded by Her Majesty to explain and declare :

That the Government of Her Britannic Majesty does not consider the XVth Article of the Annex to the Treaties above mentioned, or the corresponding Article of the Treaty concluded on the same day between Belgium and the Netherlands, to be applicable to certain tenements and parcels of land belonging to the House of Orange-Nassau, and situated at Laeken, and intermixed with the Crown property at that royal residence ; because it has been understood between the Governments of their Britannic and Netherland Majesties, in consequence of communications which took place between them before the signature of the Treaties of the 19th of April, that the before-mentioned tenements and parcels of land are to be sold by the House of Orange-Nassau to the Crown of Belgium at their fair value ; such tenements and parcels of land being necessary for the convenient occupation of the royal residence at Laeken.

Grande Bretagne et d'Irlande, l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Roi des Français, le Roi de Prusse, et l'Empereur de Toutes les Russies, d'une part, et leurs Majestés, le Roi des Belges et le Roi des Pays-Bas, Grand-Duc de Luxembourg, respectivement, de l'autre part, le soussigné Plénipotentiaire de Sa Majesté Britannique a reçu de Sa Majesté l'ordre de déclarer explicitement :

Que le Gouvernement de Sa Majesté Britannique ne considère pas le XV^e Article de l'Annexe aux Traités ci-dessus mentionnés ou l'Article correspondant du Traité conclu le même jour, entre la Belgique et les Pays-Bas, comme applicable aux propriétés et portions de terrains appartenant à la maison d'Orange-Nassau, et situés à Laeken, et enclavés dans le domaine de la Couronne à cette résidence royale ; parce qu'il a été entendu, entre les Gouvernements de leurs Majestés Britannique et des Pays-Bas, par suite des communications qui ont eu lieu entre eux, avant la signature des Traités du 19 Avril, que les propriétés et parties de terrain ci-dessus mentionnées seront vendues par la Maison d'Orange-Nassau à la Couronne de Belgique à un prix équitable (fair value) ; attendu que ces propriétés et portions de terrain sont nécessaires aux convénances de la résidence royale de Laeken.

Her Britannic Majesty's Ratifications of the aforesaid Treaties are exchanged under the explicit declaration and understanding above-mentioned.

Done at London, the 8th day of June, 1839.

(L.S.) PALMERSTON.

L'échange des Ratifications de Sa Majesté Britannique, en ce qui concerne les Traités précités, a lieu sous la réserve de la déclaration explicite et de l'arrangement qui précèdent.

Donné à Londres, le 8me jour de Juin, 1839.

(L.S.) PALMERSTON.

ANNEXE B.—Déclaration du Plénipotentiaire de Sa Majesté le Roi des Belges.

Foreign Office, le 8 Juin, 1839.

Le Plénipotentiaire Belge, en procédant à l'échange des Ratifications des Traités du 16 Avril, fait observer que, pour éviter toute difficulté dans l'exécution de l'Article XVI du Traité, il doit être entendu que, vu l'intente directe qui a eu lieu au sujet des domaines de Laeken entre les Cabinets de St. James et de La Haye et de l'expertise contradictoire à intervenir, l'exécution des dispositions de l'Article XVI est suspendue en ce qui concerne spécialement et exclusivement les biens acquis et payés par la Maison de Nassau dans la vue d'embellir et d'agrandir le domaine de Laeken et ses dépendances jusqu'à l'arrangement entre les parties.

(L.S.) SYLVAÏN VAN DE WEYER.

ANNEXE C.—Déclaration du Plénipotentiaire de Sa Majesté le Roi des Pays-Bas.

Londres, le 8 Juin, 1839.

Le Plénipotentiaire des Pays-Bas ayant pris connaissance des déclarations qui ont été faites par le Plénipotentiaire de Sa Majesté le Roi des Belges, et par le Plénipotentiaire de Sa Majesté Britannique, a déclaré que, comme il n'est pas muni d'instructions pour le cas exceptionnel auquel il a été fait allusion relativement aux domaines patrimoniaux qui sont places aux environs du château de Laeken, il croit de son devoir de réclamer qu'il soit entendu que les déclarations de MM. les Plénipotentiaires Belge et Britannique n'invalident pas les droits de propriété de Sa Majesté le Roi des Pays-Bas sur les susdits domaines.

(L.S.) BENTINCK.

*LOI de la Belgique, relative au Remboursement du Péage sur l'Escaut.—Bruxelles, le 5 Juin, 1839.**

LEOPOLD, Roi des Belges, a tous présents et à venir, Salut.

Nous avons, de commun accord avec les chambres, décrété, et nous ordonnons ce qui suit :

ART. I. Le péage à percevoir par le Gouvernement des Pays-Bas sur la navigation de l'Escaut, pour se rendre de la mer en Belgique

* *Exposé des Motifs, accompagnant le Projet de Loi relatif à la perception du droit de tonnage sur l'Escaut.†*

MESSIEURS,

L'ART. IX du Traité de Paix signé à Londres, le 19 du mois dernier, détermine qu'un péage sur la navigation de l'Escaut sera prélevé au profit de la Hollande.

Sans porter précisément atteinte au principe de la liberté des fleuves proclamé par l'Acte du Congrès de Vienne, cette sujétion onéreuse est cependant de nature à causer préjudice aux destinées commerciales des ports d'Anvers et de Gand, et par là aux intérêts du pays en général.

L'établissement d'un droit sur l'Escaut est une des conséquences de la séparation de la Belgique d'avec la Hollande ; il est une des conditions de la paix qui a été acceptée dans l'intérêt du pays entier ; il a donc paru juste que cette charge ne fût point en quelque sorte locale.

Ce principe admis, Messieurs, nous avons cru que le meilleur moyen d'en opérer l'application, était d'en faire peser, du moins en majeure partie, le poids sur le commerce général du pays avec l'étranger, et pour y parvenir nous avons pensé qu'une légère majoration aux droits de douanes, de transit et de tonnage, réglée dans les mêmes proportions que le tarif des douanes, afin de ne pas rompre l'équilibre protecteur qu'il établit, repartirait d'une manière équitable la dépense qu'occasionnera le remboursement du péage aux navires qui fréquenteront les ports d'Anvers et de Gand.

Le projet de loi que M. le Ministre de l'Intérieur et des Affaires Etrangères et moi avons l'honneur de vous présenter a ce double but.

L'Art. 1er consacre le principe du remboursement du péage aux navires de toutes les nations ; les navires Néerlandais exceptés. Cette exception n'a rien de blessant, ni d'hostile pour cette nation ; mais le droit se prélevant au profit de la Hollande, c'eût été faire double emploi en sa faveur, que de rembourser à ses navires ce qu'elle même leur eût fait payer. Si cette puissance veut faire jouir sa navigation des mêmes avantages que celles des autres nations, c'est à elle à l'affranchir du tribut qu'elle percevra. La Belgique agit avec assez de grandeur en réparant envers le monde entier, le grave inconvénient auquel l'astreint la conférence, pour qu'elle ne puisse être tenue d'en agir de même envers la Hollande au profit de qui cet inconvénient est créé.

Néanmoins, la disposition qui vous est soumise n'est que temporaire. Le sacrifice que fait la Belgique doit avoir plus tard sa compensation ; aussi le projet de loi vous réserve-t-il, Messieurs, d'examiner avant le 1er Janvier, 1843, s'il y aura lieu d'en continuer les effets envers les puissances avec lesquelles on ne serait pas parvenu à faire des arrangements de commerce ou de navigation.

† Chambre des Représentants, Séance du 2 Mai, 1839.

ou de la Belgique à la mer, par l'Escaut ou le canal de Terneuse, sera remboursé par l'Etat aux navires de toutes les nations. Toutefois, s'il se présente, à l'égard de l'un des pavillons étrangers, des motifs graves et spéciaux, le Gouvernement est autorisé à suspendre provisoirement, à son égard, l'effet de la présente exécution.

Il est ouvert au Gouvernement un crédit de 300,000 francs destiné à couvrir les dépenses des derniers mois de l'exercice 1839.

II. Avant le 1er Juin 1843, il sera examiné si le bénéfice de l'Article précédent doit être maintenu en faveur des pays avec lesquels il ne sera pas intervenu d'arrangements commerciaux, de douane ou de navigation.

III. Pour faire face, en partie, au remboursement prescrit par l'Article I, il sera prélevé 3 centimes additionnels sur les droits de douane, de transit et de tonnage, à partir de la date qui sera fixée ultérieurement par le Gouvernement.

MANDONS ET ORDONNONS que les présentes, revêtues du sceau de l'Etat, insérées au Bulletin Officiel, soient adressées aux cours, tribunaux et aux autorités administratives, pour qu'ils les observent et fassent observer comme loi du royaume.

Donné à Bruxelles, le 5 Juin 1839.

Par le Roi :

LEOPOLD.

Le Ministre des Finances, L. DESMAISIERES.

LOI de la Belgique, relative à la quote-part de la Dette à payer à la Hollande.—Bruxelles, le 5 Juin, 1839.

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Nous avons, de commun accord avec les chambres, décrété, et nous ordonnons ce qui suit :

Pour effectuer le remboursement il vous est demandé, pour 1839, un crédit de 300,000 francs. Ce chiffre est tout-à-fait éventuel, et ne fait que poser une limite au visa de la Cour des Comptes. Il est calculé pour un terme de 6 à 7 mois.

Par l'Art. II du Projet, Messieurs, on porte le nombre de centimes additionnels aux droits de douanes, de transit et de tonnage à 18 au lieu de 15.

Le produit de ces 3 centimes supplémentaires ne sera probablement pas suffisant pour couvrir le remboursement du péage, mais nous n'avons pas cru pouvoir aller au delà, attendu que ces droits sont déjà grevés de 2 centimes extraordinaires. Il sera pourvu à cette insuffisance, s'il y a lieu, sur les fonds généraux du budget.

Nous le répétons, le Projet de Loi renferme un grand acte de générosité et de réparation ; il sera compris par le monde civilisé, et vous tiendrez à honneur, Messieurs d'y avoir donné votre assentiment.

L. DESMAISIERES.
DE THEUX.

ARTICLE UNIQUE. Il est ouvert au Gouvernement un crédit de 4,985,058 f. 20 c., destiné à pourvoir, avec la moitié de celui alloué par la loi du 22 Décembre 1838, pour intérêts de la dette inscrite au grand-livre auxiliaire de Bruxelles, au paiement éventuel du semestre échéant en 1839, de la rente annuelle à solder par la Belgique, en exécution de l'Article XIII du Traité signé à Londres le 19 Avril, 1839.*

MANDONS ET ORDONNONS que les présentes, revêtues du sceau de l'Etat, insérées au Bulletin Officiel, soient adressées aux cours, tribunaux et aux autorités administratives, pour qu'ils les observent et fassent observer comme loi du royaume.

Donné à Bruxelles, le 5 Juin 1839.

Par le Roi :

LEOPOLD.

Le Ministre des Finances, L. DESMAISIERES.

LOI de la Belgique, qui approuve le Traité de Commerce et de Navigation conclu entre la Belgique et les 2 Siciles, le 15 Avril, 1847.—Bruxelles, le 31 Juillet, 1848.

LEOPOLD, Roi des Belges, a tous présents et à venir, Salut.

Vu l'Article LXVIII de la Constitution, portant que "les Traités de Commerce et ceux qui pourraient grever l'Etat ou lier individuellement des Belges, nont d'effet qu'après avoir reçu l'assentiment des Chambres ;"

Les Chambres ont adopté et nous sanctionnons ce qui suit :

ARTICLE UNIQUE. Le Traité de Commerce et de Navigation entre la Belgique et les 2 Siciles, signé à Naples le 15 Avril, 1847, sortira son plein et entier effet.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du "Moniteur."

Donné à Bruxelles, le 31 Juillet, 1848.

Par le Roi :

LEOPOLD.

Le Ministre des Affaires Etrangères, C. D'HOFESCHMIDT.

*TRAITE de Commerce et de Navigation entre la Belgique et les 2 Siciles.—Signé à Naples, le 15 Avril, 1847.**

[Ratifications échangées, le 14 Avril, 1848.]

SA Majesté le Roi des Belges et Sa Majesté le Roi du Royaume des 2 Siciles, animés d'un égal désir d'entendre, d'accroître et de consolider les relations commerciales entre leurs Etats respectifs, et de procurer toutes les facilités et tous les encouragements possibles à ceux de leurs sujets qui ont part à ces relations, persuadés que rien ne saurait contribuer davantage à l'accomplissement mutuel de leurs souhaits à cet égard, que l'abolition réciproque de tous les droits différentiels de navigation et de douane, de toutes les prérogatives et de tous les privilèges exclusifs de commerce, dont les sujets de l'une des 2 parties ont joui jusqu'à présent de préférence aux sujets de l'autre, dans leurs Etats respectifs, ont nommé leurs Plénipotentiaires pour conclure un Traité à cet effet, savoir :

Sa Majesté le Roi des Belges, le Sieur Joseph Riquet, Comte de Caraman, Prince de Chimay, Grand d'Espagne de 1re classe, Commandeur de l'Ordre Royal de Léopold, Grand Croix de l'Ordre de Famille de la Branche Ernestine de Saxe-Cobourg, Grand Officer de l'Ordre Royal de la Légion d'Honneur, Grand Croix de l'Ordre de Saint Michel de Bavière, et de l'Ordre Royal Grand Ducal de la Couronne de Chêne, Membre de la Chambre des Représentants, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges près Sa Majesté le Roi du Royaume des 2 Siciles ;

Et Sa Majesté le Roi du Royaume des 2 Siciles, D. Justin Fortunato, Chevalier Grand Cross de l'Ordre Royal Militaire de Saint Georges, de l'Ordre Royal de François Ier, Décoré de l'Ordre Impérial Russe de l'Aigle Blanc, Grand Cross de l'Ordre Royal de la Légion d'Honneur, de l'Ordre des Saints Maurice et Lazare de Sardaigne, de l'Ordre de Dannebrog de Danemark, de l'Ordre Impérial de Léopold, Ministre Secrétaire d'Etat de Sa Majesté ; D. Michel Gravina et Requesenz, Prince de Comitini, Chevalier Grand Croix de l'Ordre Royal de François Ier, Décoré de l'Ordre Impérial Russe de l'Aigle Blanc, Grand Croix de l'Ordre Royal de la Légion d'Honneur, de l'Ordre des Saints Maurice et Lazare de Sardaigne, de l'Ordre de Dannebrog de Danemark, de l'Ordre Impérial de Léopold, Gentilhomme de la Chambre en Exercice et Ministre Secrétaire d'Etat de Sa Majesté ; D. Antoine Spinelli, des Princes de Scalea, Commandeur de l'Ordre Royal de François Ier, Chevalier de 1re Classe de l'Ordre Impérial Russe de Sainte Anne,

* Signed in the French and Italian languages.

Grand Officier Royal de la Légion d'Honneur, Grand Croix de la Couronne de Fer, Gentilhomme de la Chambre de Sa Majesté, Membre de la Consulte-Générale, Surintendant-Général des Archives du Royaume, et Intendant de la Province de Naples ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Belges auront le droit entier et incontestable de voyager et de résider dans les Etats et domaines de Sa Majesté le Roi du Royaume des 2 Siciles, sauf les précautions de police qui sont employées envers les nations les plus favorisées. Ils auront le droit d'occuper des maisons et des magasins, et de disposer de leur propriété personnelle, de quelque nature et dénomination qu'elle soit, par vente, donation, échange ou testament, et de quelque autre manière que ce soit, sans qu'il soit élevé, à cet effet, le plus léger obstacle ou empêchement. Ils ne seront tenus, sous aucun prétexte, à payer d'autres taxes ou impôts que ceux qui sont ou pourront être payés dans les Etats de Sa Majesté Sicilienne par les nations les plus favorisées.

Ils seront exempts de tout service militaire, soit de terre, soit de mer, de prêts forcés et de toute contribution extraordinaire, à moins qu'elle ne soit générale et établie par une loi. Leurs habitations, magasins et tout ce qui en fait partie et leur appartient, pour objets de commerce ou de résidence, seront respectés. Ils ne seront pas soumis à des visites ou à des perquisitions vexatoires. On ne pourra faire aucun examen, ni aucune inspection arbitraire de leurs livres, papiers et comptes de commerce, et les opérations de ce genre ne pourront être pratiquées qu'à la suite d'une sentence légale des tribunaux compétents.

Sa Majesté le Roi du Royaume des 2 Siciles s'engage à garantir, en toute occasion, aux Belges qui résideront dans ses Etats et domaines, la conservation de leurs propriétés, et leur sûreté personnelle, de la même manière qu'elles sont garanties à ses sujets et aux sujets et citoyens des nations les plus favorisées.

Sa Majesté le Roi des Belges promet, de son côté, d'assurer, dans ses Etats, aux sujets de Sa Majesté le Roi du Royaume des 2 Siciles, la jouissance des mêmes privilèges.

II. Les Belges pourront, dans les Etats et domaines de Sa Majesté le Roi du Royaume des 2 Siciles, traiter librement leurs propres affaires par eux-mêmes, ou les commettre à la gestion de toutes les personnes qu'ils voudront nommer pour leur servir d'intermédiaires, facteurs ou agents, sans être entravés, en quoi que ce soit, dans le choix de ces personnes. Ils ne seront tenus à payer aucun salaire, ni aucune rémunération à aucune personne, quelle qu'elle soit, qui n'aurait point été choisie par eux. Pleine liberté sera laissée, dans tous les cas, à l'acheteur et au vendeur, de négocier ensemble, et de

fixer le prix d'un objet ou d'une marchandise quelconque importée dans les Etats de Sa Majesté le Roi du Royaume des 2 Siciles, ou qui devrait être exportée de ses Etats, sauf, en général, les affaires pour lesquelles les lois et les usages du pays réclameront l'emploi d'agents spéciaux dans les domaines de Sa Majesté.

Les sujets de Sa Majesté le Roi du Royaume des 2 Siciles jouiront en Belgique des mêmes privilèges et sous les mêmes conditions.

III. Les Belges ne seront pas soumis, dans les Etats et domaines de Sa Majesté le Roi du Royaume des 2 Siciles, à un système d'visites et de perquisitions, de la part des officiers de la douane, plus rigoureux que celui auquel sont soumis les sujets de Sa Majesté le Roi du Royaume des 2 Siciles; et, de même, les sujets de Sa Majesté le Roi du Royaume des 2 Siciles ne seront pas soumis, en Belgique, à un système de recherches et de perquisitions plus rigoureux que celui auquel sont soumis les Belges.

IV. Les capitaines et patrons des bâtiments Belges et des 2 Siciles seront réciproquement exempts de toute obligation de recourir, dans les ports respectifs des 2 Etats, aux expéditionnaires officiels, et ils pourront, en conséquence, se servir, soit de leurs consuls, soit des expéditionnaires qui seraient désignés par ceux-ci, sauf dans les cas prévus par le Code de commerce Belge, et par le Code de Commerce des 2 Siciles, aux dispositions desquelles la présente clause n'apporte aucune dérogation.

V. Il y aura liberté réciproque de commerce et de navigation entre la Belgique et le Royaume des 2 Siciles. Les produits du sol ou de l'industrie de l'un des 2 pays importés directement de l'un dans l'autre, soit par mer, soit par terre, seront taxés de la même manière que les mêmes produits, quelle qu'en soit la valeur, importés de quelque autre pays que ce soit, et ne seront soumis à aucun droit de douane, ou impôt différent ou plus élevé. Toutefois, il est entendu qu'à l'importation par mer le bénéfice de la disposition qui précède n'est applicable qu'aux arrivages directs.

Sa Majesté le Roi des Belges, et Sa Majesté le Roi du Royaume des 2 Siciles s'obligent à n'accorder à aucune autre puissance, en matière de commerce et de navigation, aucun privilège, aucune faveur ou immunité, sans les étendre en même temps au commerce et à la navigation de l'autre pays, gratuitement si la concession a été faite à titre gratuit, et moyennant une compensation équivalente, autant que possible, et qui sera stipulée de commun accord, si la concession a été faite à titre onéreux.

VI. Les navires Belges arrivant dans les ports du Royaume des 2 Siciles, et réciproquement les navires des 2 Siciles arrivant dans les ports du Royaume de Belgique, seront traités dans les 2 pays, soit à leur entrée, soit à leur sortie, sur le même pied que les

bâtiments nationaux, pour tout ce qui concerne les droits de tonnage, de pilotage, d'ancrage, de port, de balisage, de fanaux, de quarantaine, d'expédition, de courtage, et toutes les autres charges qui pèsent sur la coque du navire sous quelque dénomination que ce soit, pourvu que ces bâtiments viennent directement de l'un des ports du Royaume de Belgique dans un des ports du Royaume des 2 Siciles, ou d'un des ports du Royaume des 2 Siciles dans un des ports de Belgique, s'ils sont chargés, et pour toute espèce de voyage, s'ils sont sur lest.

Ce qui précède s'entend non-seulement des droits perçus au profit de l'Etat, mais encore de tous droits perçus au profit des provinces, villes, arrondissements, juridictions, communes, &c., sous quelque terme qu'ils puissent être désignés.

VII. La nationalité des bâtiments respectifs sera reconnue et admise de part et d'autre, d'après les lois et règlements particuliers à chaque Etat, au moyen des patentes et papiers de bord délivrés par les autorités compétentes aux capitaines ou patrons.

VIII. Tous les produits du sol ou de l'industrie de Belgique qui pourront être légalement importés et qui arriveront en droiture de Belgique par navires Belges dans les ports du Royaume des 2 Siciles, ne payeront d'autres ni de plus forts droits que s'ils étaient importés en droiture sous pavillon des 2 Siciles.

Et, réciproquement, tous les produits du sol ou de l'industrie du Royaume des 2 Siciles, qui pourront être légalement importés et qui arriveront en droiture de ce Royaume par navires des 2 Siciles dans les ports de Belgique, ne payeront d'autres ni de plus forts droits que s'ils étaient importés en droiture sous pavillon Belge.

Il est bien entendu :

1°. Que les marchandises devront avoir réellement été chargées dans les ports d'où elles auront été déclarées respectivement provenir ;

2°. Que la relâche forcée dans des ports intermédiaires, pour des causes de force majeure dûment justifiée, ne fait pas perdre le bénéfice de l'importation en droiture.

IX. Les objets de toute nature quelconque, exportés ou réexportés par navires Belges ou des 2 Siciles, des ports de l'un des 2 pays vers quelque lieu que ce soit, ne seront pas assujettis à des droits ou à des formalités autres et jouiront des mêmes privilèges et avantages de toute nature, que si l'exportation ou la réexportation se faisait sous pavillon national.

X. Il est bien entendu que les stipulations du présent Traité ne seront pas applicables à la navigation et au trafic entre les différents ports situés sur les territoires ou dans les Etats de chacune des Parties Contractantes; lesdits trafic et navigation restant exclusivement réservés aux navires nationaux dans le Royaume des 2 Siciles.

Toutefois, les bâtimens de chacune des Parties Contractantes pourront prendre ou débarquer une partie de leur cargaison dans un des ports de l'autre Etat, et compléter ensuite leur chargement ou débarquer le reste dans un ou plusieurs autres ports des mêmes Etats, sans payer d'autres droits que ceux auxquels sont soumis les bâtimens nationaux ou ceux des nations les plus favorisées.

XI. Il est expressément entendu que, conformément à la stipulation de l'Article V qui précède, aucune prime, remise ou remboursement de droits ne pourra, pendant la durée du présent Traité, être accordé par l'une des 2 Hautes Parties Contractantes à un Etat tiers, sans être accordée également à l'autre partie, gratuitement, si la concession a été faite gratuitement, et moyennant la même compensation, ou un équivalent, à convenir de commun accord, si elle a été faite conditionnellement.

En conséquence et par application dudit Article V et de l'Article VIII suivant, Sa Majesté le Roi du Royaume des 2 Siciles déclare que pendant la durée du présent Traité :

1°. La réduction de 10 pour cent établie en faveur des navires des 2 Siciles sur les droits fixés par le tarif des douanes, sera également applicable aux produits du sol et de l'industrie de la Belgique, directement importées de ce pays dans les Etats de Sa Majesté le Roi du Royaume des 2 Siciles par navires de commerce Belges ;

2°. Les réductions de droits accordées à la France, notamment celles qui ont été accordées en vertu du dernier Traité conclu entre Sa Majesté et Sa Majesté le Roi des Français, le 14 Juin, 1845,* et de l'Acte signé à Naples, le 18 Octobre de la même année, sur certains produits de l'industrie Française, seront étendues aux mêmes produits de l'industrie Belge, et, de plus, le droit d'entrée dans le Royaume des 2 Siciles, tel qu'il est actuellement fixé par le tarif des douanes, sur les fusils montés et les pistolets, sera réduit sur les fusils montés et sur les pistolets de fabrication Belge, savoir : le droit sur les fusils, de 5 à 3 ducats par pièce, et le droit sur les pistolets de 1 ducat et 80 grains à 1 ducat 20 grains par pièce, sans préjudice, toutefois, des lois existantes dans le Royaume des 2 Siciles sur l'importation des armes à feu.

De plus, et par exception spéciale en faveur du Royaume de Belgique, sans que cette exception déroge toutefois aux stipulations contenues dans le dernier paragraphe de l'Article V, le droit sur les machines et mécaniques de fabrication Belge, soit appareils complets, ou pièces détachées, y compris les locomotives et accessoires, sera réduit de 20 pour cent., sans que le droit ainsi réduit puisse être augmenté pendant la durée du présent Traité.

D'autre part, Sa Majesté le Roi des Belges déclare que conformément à la stipulation des Articles V et VIII du présent Traité :

1°. Tous les droits différentiels spéciaux, établis à l'entrée en Belgique, en faveur du pavillon national, en ce qui concerne l'introduction des produits du sol ou de l'industrie du Royaume des 2 Siciles, arrivant directement de ce pays, de même que le droit différentiel de 10 pour cent., dont jouit le pavillon Belge, à l'introduction des articles à l'égard desquels il n'existe pas de droit différentiel spécial, seront également applicables aux produits du sol ou de l'industrie du Royaume des 2 Siciles, directement importés en Belgique par navires Siciliens ;

2°. Que les réductions de droits accordées à l'entrée en Belgique sur certains produits du sol ou de l'industrie du Zollverein, de la France et des Pays-Bas, en vertu des Traités du 1er. Septembre, 1844,* du 13 Décembre, 1845,† et du 29 Juillet, 1846,‡ seront étendues et rendues applicables aux mêmes produits provenant du sol ou de l'industrie du Royaume des 2 Siciles.

En conséquence des dispositions qui précèdent, et de la stipulation de l'Article V du présent Traité, le droit de douane sur les vins en cercles, de production du Royaume des 2 Siciles, sera réduit de 2 francs à 50 centimes par hectolitre, et celui sur les vins en bouteilles de 12 à 2 francs par hectolitre.

Les droits d'accises sur les mêmes vins, tant en cercles qu'en bouteilles, seront réduits de francs 23-85 à francs 17-89 par hectolitre.

Et les droits de douane sur les articles suivants, originaires du Royaume des 2 Siciles, directement importés de ce Royaume en Belgique par navires Siciliens, seront réduit ainsi qu'il suit :

Le droit sur le soufre, de 60 centimes à 0,01 centimes par 100 kilogrammes ;

Le droit sur le raisins secs, de 10 francs à 8 francs par 100 kilogrammes ;

Le droit sur les amandes, de 17 francs à 14 francs par 100 kilogrammes ;

Le droit sur les citrons, limons et oranges, de 20 francs à 14 francs par 100 francs de valeur ;

Le droit sur les noisettes, de francs 5-50 à 4 francs par 100 kilogrammes ;

Celui sur le sumac, de 75 centimes à 10 centimes par 100 kilogrammes.

De plus et par exception spéciale en faveur du Royaume des 2 Siciles, sans que cette exception déroge toutefois aux stipulations

* Vol. XXXIII. Page 742.

† Vol. XXXV. Page 1016.

‡ Vol. XXXV. Page 1222.

contenues dans le dernier paragraphe de l'Article V, le droit sur l'huile d'olive (comestible), celui sur l'huile d'olive destinée aux fabriques, celui sur les citrons, limons et oranges, et celui sur les noisettes, sera réduit de 20 p. c., sans que les droits ainsi réduits puissent être augmentés pendant la durée du présent Traité.

Sa Majesté le Roi des Belges garantit, en outre, aux bâtiments du Royaume des 2 Siciles le remboursement du droit perçu sur la navigation de l'Escaut par le Gouvernement des Pays-Bas, en vertu du 3^e paragraphe de l'Article IX du Traité conclu le 19 Avril, 1839, entre la Belgique et les Pays-Bas.

Sa Majesté le Roi des Belges garantit aussi que les objets de toute nature, dont le transit est permis en Belgique, venant du Royaume des 2 Siciles, ou expédiés vers ce Royaume, seront exempts de tout droit de transit en Belgique, lorsque le transport sur le territoire Belge se fera par les chemins de fer de l'Etat, et qu'ils jouiront, en tout cas, lorsque le transport se fera par une autre voie, du traitement accordé au transit des objets venant de, ou en destination du pays le plus favorisé par rapport au transit.

Il est convenu que la réciprocité établie par le présent Traité ne s'étendra pas aux primes que les 2 Hautes Parties Contractantes accordent, ou pourraient accorder à l'avenir aux nationaux respectifs, afin d'encourager la construction des navires. Il en sera de même pour les faveurs que l'une ou l'autre des Hautes Parties Contractantes accorde, ou pourrait accorder par la suite aux sujets et aux navires nationaux pour le commerce du sel et la pêche nationale.

XII. Par dérogation à l'Article précédent et à l'Art. V du présent Traité, il est convenu que la réduction stipulée pour déchet ou raffinage en faveur des sels de France, par l'Art. VI de la Convention conclue par cette puissance avec la Belgique le 13 Décembre, 1845, ne sera pas accordée au sel des 2 Siciles.

XIII. Toutes les fois que, dans l'un des 2 Etats, les marchandises importées de l'autre Etat seront taxées à la valeur, le droit sera fixé et établi de la manière suivante :

Les propriétaires ou consignataires desdites marchandises, lorsqu'ils se présenteront en douane pour acquitter le droit, signeront une déclaration indiquant la valeur d'après l'estimation qu'ils croiront convenable de leur donner ; cette déclaration devra être reçue sans difficulté par les employés de la douane. Ils auront seulement la liberté, dans le cas où ils jugeraient l'évaluation trop faible, de prendre la marchandise en payant aux déclarants une somme égale à la valeur déclarée et le dixième en sus. Tous les droits que les propriétaires ou consignataires auraient payés sur les marchandises importées leur seront en même temps restitués.

XIV. Aucune préférence ou priorité ne sera accordée directement ou indirectement par l'une ou l'autre des parties contractantes,

ou par aucune compagnie, corporation, ou individu, agissant en son nom ou sous son autorité pour l'achat d'aucun objet de commerce légalement importé dans le territoire de l'autre, en considération de la nationalité du bâtiment qui aurait importé lesdits objets, soit qu'il appartienne à l'une ou à l'autre des parties, l'intention et la volonté des Parties Contractantes étant qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

XV. Tout navire Belge entrant en relâche forcée dans un des ports du royaume des 2 Siciles, et tout navire des 2 Siciles entrant en relâche forcée dans un des ports du royaume de Belgique, seront exempts de tout droit de port ou de navigation, perçu ou à percevoir au profit de l'Etat, si les causes qui ont nécessité la relâche sont réelles et évidentes, pourvu qu'ils ne se livrent, dans le port de relâche, à aucune opération de commerce, en chargeant ou déchargeant des marchandises; bien entendu, toutefois, que les chargements et déchargements, relatifs à la subsistance de l'équipage ou nécessaires à la réparation du navire, ne seront point considérés comme opérations de commerce donnant ouverture au paiement des droits, et pourvu aussi que ces navires ne prolongent pas leur séjour dans le port au delà du temps nécessaire, eu égard aux causes qui auront donné lieu à la relâche.

XVI. Toutes les opérations relatives au sauvetage des navires naufragés, échoués ou délaissés, seront dirigées par les Consuls respectifs dans les 2 pays. Ces navires, ou leurs parties et débris, leurs agrès et tous les objets qui leur appartiendront, ainsi que tous les effets et marchandises qui auront été sauvés, ou leur produit, s'ils ont été vendus, ainsi que tous les papiers trouvés à bord, seront consignés au Consul ou Vice-Consul Belge, ou des 2 Siciles, dans le district duquel le naufrage aura eu lieu. Les autorités locales respectives interviendront pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages desdits navires, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des Agents Consulaires, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Il ne sera exigé, soit du Consul, soit des propriétaires ou ayants droit, que le paiement des dépenses faites pour la conservation de la propriété, les droits de sauvetage et les frais de quarantaine qui seraient également payés, en pareille circonstance, par un bâtiment national.

Les marchandises sauvées ne seront tenues à aucun droit ni frais de douane jusqu'au moment de leur admission à la consommation intérieure.

XVII. Chacune des Hautes Parties Contractantes pourra avoir,

dans les ports de l'autre Etat, des Consuls, Vice-Consuls et agents commerciaux de son choix, lesquels jouiront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées; mais dans le cas où lesdits Consuls voudraient exercer le commerce, ils seront soumis aux lois et aux coutumes auxquelles sont assujettis les individus de leur nation dans le pays dans lequel ils résident.

Lesdits Consuls, Vice-Consuls, et agents commerciaux sont autorisés à réclamer l'assistance des autorités locales pour la recherche, l'arrestation, la détention et l'incarcération des déserteurs des navires de guerre ou de commerce de leur nation. A cet effet, ils s'adresseront aux tribunaux, juges ou fonctionnaires compétents, et réclameront par écrit lesdits déserteurs, en faisant la preuve, par les registres du bâtiment, ou rôle d'équipage, ou par d'autres documents officiels, que les individus en question ont réellement fait partie de l'équipage des susdits navires, et après une telle réclamation ainsi appuyée, les déserteurs ne seront pas refusés.

Lesdits déserteurs, lorsqu'ils auront été arrêtés, resteront à la disposition des Consuls, Vice-Consuls, ou agents commerciaux et pourront être écroués dans les prisons publiques à la requête et aux frais de celui qui en fera la demande, pour y être retenus jusqu'au moment où ils seront réintégrés à bord du bâtiment auquel ils appartiennent, ou renvoyés dans leur pays à bord d'un navire de la même ou de toute autre nation.

Cependant, si, dans l'intervalle de 3 mois, à compter du jour de l'arrestation, ils n'ont pas été réclamés, ou que tous les frais de leur emprisonnement n'aient pas été acquittés par la partie à la requête de laquelle l'arrestation a été opérée, ils seront remis en liberté sans qu'ils puissent être arrêtés de nouveau pour le même motif.

Néanmoins, si le déserteur avait commis quelque délit, son extradition sera différée jusqu'à ce que le tribunal qui a droit d'en connaître ait rendu son jugement et que celui-ci ait eu son effet.

XVIII. Le présent Traité sera en vigueur pendant 8 années à compter du jour de l'échange des Ratifications, et aussi jusqu'à l'expiration de 12 mois après qu'une des Hautes Parties Contractantes aura annoncé à l'autre son intention d'en faire cesser les effets, chacune des Hautes Parties Contractantes se réservant le droit de faire cette déclaration à la fin du terme susdit de 8 ans ou à toute époque subséquente.

XIX. Le présent Traité sera ratifié et les Ratifications en seront échangées à Naples dès que la sanction du Traité par le pouvoir législatif de Belgique aura été obtenue. Toutefois, si cette sanction n'était pas obtenue et si les Ratifications royales n'étaient pas échangées dans le délai d'un an, à partir de la date du présent Traité, celui-ci sera considéré comme nul et non venu.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait à Naples, le 15 du mois d'Avril, de l'an de grace 1847.

(L.S.) PRINCE DE
CHIMAY.

(L.S.) JUSTIN FORTUNATO.
(L.S.) PRINCE DE COMITINI.
(L.S.) ANTOINE SPINELLI.

LOI de France, qui approuve les Traités d'Amitié, de Commerce et de Navigation, conclus avec les Républiques de Guatemala et de Costa Rica.—Paris, les 28 Février, 23 Avril, et 10 Mai, 1849.

L'ASSEMBLEE Nationale a adopté et le Président de l'Assemblée promulgue la loi dont la teneur suit :

ARTICLE UNIQUE. L'Assemblée nationale approuve les Traités d'amitié, de commerce et de navigation, en date du 8 Mars 1848, qui ont été négociés avec les Républiques de Guatemala et de Costa-Rica, et qui sont annexés à la présente loi.

Délibéré en séance publique, à Paris, les 28 Février, 23 Avril, et 10 Mai, 1849.

(L.S.) ARMAND MARRAST, *Président*.
(L.S.) EMILE PEAN.
(L.S.) F. DEGEORGE.
(L.S.) LOUIS LAUSSEDAT.
(L.S.) JULES RICHARD.
(L.S.) PEUPIN.
(L.S.) LOUIS PERBEE.

TRAITE d'Amitié, de Commerce et de Navigation entre la France et la République de Guatemala.—Signé à Guatemala, le 8 Mars, 1848.

Au nom de la Très-Sainte Trinité.

De nombreuses relations de commerce étant établies depuis plusieurs années entre les Etats de Sa Majesté le Roi des Français et

la République de Guatemala, il a été jugé utile d'en régulariser l'existence, d'en favoriser le développement et d'en perpétuer la durée par un Traité d'amitié, de commerce et de navigation, fondé sur l'intérêt commun des 2 pays, et propre à faire jouir les citoyens respectifs d'avantages égaux et réciproques.

D'après ce principe et à cet effet, ont nommé pour leurs Plénipotentiaires, à savoir :

Sa Majesté le Roi des Français, le Sieur Jean-Marie-Raymond Baradère, Chevalier de l'Ordre de la Légion d'Honneur, son Consul-Général au Centre Amérique ;

Et son Excellence le Président de la République de Guatemala, le Sieur Jose-Mariano Rodriguez, licencié, Secrétaire d'Etat et Ministre des Affaires Etrangères ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Il y aura paix constante et amitié perpétuelle et sincère entre Sa Majesté le Roi des Français, ses héritiers et successeurs, d'une part, et la République de Guatemala, d'autre part, et les citoyens des 2 Etats, sans exception de personnes ni de lieux.

II. Il y aura entre tous les territoires des Etats de Sa Majesté le Roi des Français en Europe, et ceux de la République de Guatemala, une liberté réciproque de commerce. Les citoyens des 2 Etats pourront entrer en toute liberté, avec leurs navires et cargaisons, dans tous les lieux, ports et rivières des 2 Etats qui sont ou seront ouverts au commerce étranger.

Ils pourront y faire le commerce d'échelle pour y décharger, en tout ou en partie, les cargaisons par eux apportées de l'étranger, et pour former successivement leur cargaison de retour ; mais ils n'auront pas la faculté d'y décharger les marchandises qu'ils auraient reçues dans un autre port du même Etat, ou autrement de faire le cabotage, qui demeure exclusivement réservé aux nationaux.

Ils pourront, sur les territoires respectifs, voyager ou séjourner, commercer tant en gros qu'en détail, comme les nationaux ; louer et occuper les maisons, magasins et boutiques qui leur seront nécessaires ; effectuer des transports de marchandises et d'argent, et recevoir des consignations ; être admis comme caution aux douanes, quand il y aura plus d'un an qu'ils seront établis sur les lieux, et que les biens fonciers qu'ils y posséderont présenteront une garantie suffisante.

Ils seront entièrement libres de faire leurs affaires eux-mêmes ou de se faire suppléer par qui bon leur semblera, facteur, agent consignataire ou interprète, sans avoir, comme étrangers, à payer aucun surcroît de salaire ou de rétribution.

Ils seront également libres, dans tous leurs achats comme dans toutes leurs ventes, de fixer le prix des effets, marchandises et objets

quelconques tant importés que destinés à l'exportation, sauf à se conformer aux lois et aux règlements du pays.

III. Sa Majesté le Roi des Français s'oblige, en outre, à ce que les citoyens de Guatemala jouissent de la même liberté de commerce et de navigation stipulée dans l'article précédent, dans les domaines de Sa Majesté situés hors d'Europe, qui sont ou seront ouverts au commerce et à la navigation de la nation la plus favorisée, et réciproquement les droits établis par le présent Traité en faveur des Français seront communs aux habitants des colonies Françaises.

IV. Les citoyens respectifs jouiront, dans les 2 Etats, d'une constante et complète protection pour leurs personnes et leurs propriétés; ils auront un libre et facile accès auprès des tribunaux de justice pour la poursuite et la défense de leurs droits, et ce, aux mêmes conditions qui seront en usage pour les citoyens du pays dans lequel ils résideront.

Ils seront maîtres à cet effet d'employer, dans toutes les circonstances, les avocats, avoués ou agents de toute classe qu'ils jugeront à propos; enfin ils auront la faculté d'être présents aux décisions et sentences des tribunaux dans les causes qui les intéressent, comme aussi à toutes les enquêtes et dépositions de témoins, qui pourront avoir lieu à l'occasion des jugements, toutes les fois que les lois des pays respectifs permettront la publicité de ces actes.

Ils seront d'ailleurs exempts de tout service personnel soit dans les armées de terre ou de mer, soit dans les gardes ou milices nationales, ainsi que de toutes contributions de guerre, emprunts forcés, réquisitions militaires, et, dans tous les autres cas, ils ne pourront être assujettis pour leurs propriétés soit mobilières, soit immobilières, ni à aucun autre titre quelconque, à d'autres charges, réquisitions ou impôts que ceux payés par les nationaux eux-mêmes.

Ils ne pourront être arrêtés, ni expulsés, ni même envoyés d'un point à un autre du pays, par mesure de police ou Gouvernementale, sans indices ou motifs graves et de nature à troubler la tranquillité publique, et avant que ces motifs et les documents qui en feront foi aient été communiqués aux agents diplomatiques ou consulaires de leur nation respective. Dans tous les cas, il sera accordé aux inculpés le temps nécessaire pour présenter ou faire présenter au Gouvernement du pays leurs moyens de justification: ce temps sera d'une durée plus ou moins grande, suivant les circonstances.

Il est bien entendu que les dispositions de cet article ne seront point applicables aux condamnations à la déportation ou au bannissement d'un point à un autre du territoire, qui pourraient être prononcées, conformément aux lois et aux formes établies par les tribunaux des pays respectifs, contre les citoyens de l'un d'eux. Ces condamnations continueront à être exécutoires dans les formes établies par les législations respectives.

V. Les Français catholiques jouiront dans la république de Guatemala, sous le rapport de la religion et du culte, de toutes les libertés, garanties et protection dont les nationaux y jouissent ; et les Guatemaliens jouiront également en France des mêmes garanties, libertés et protection que les nationaux.

Les Français professant un autre culte, qui se trouveront dans la République de Guatemala, n'y seront inquiétés ni gênés en aucune manière pour cause de religion ; bien entendu qu'ils respecteront la religion, le culte du pays et les lois qui y seront relatives.

VI. Les citoyens des 2 nations seront libres de disposer comme il leur conviendra, par vente, donation, échange, testament, ou de quelque autre manière que ce soit, de tous les biens qu'ils posséderaient sur les territoires respectifs. De même, les citoyens de l'un des 2 Etats qui seraient héritiers de biens situés dans l'autre pourront succéder sans empêchement à ceux desdits biens qui leur seraient dévolus *ab intestat*, et les héritiers ou légataires ne seront pas tenus à acquitter des droits de succession autres ou plus élevés que ceux qui seraient supportés dans des cas semblables par les nationaux eux-mêmes.

Et, dans le cas où lesdits héritiers seraient, comme étrangers ou pour tout autre motif, privés d'entrer en possession de l'héritage, il leur sera accordé 3 ans pour en disposer comme il leur conviendra, et pour en extraire le produit, sans payer d'autres impôts que ceux établis par les lois de chaque pays.

VII. Les citoyens de l'un et de l'autre Etat ne pourront être respectivement soumis à aucun embargo, ni être retenus avec leurs navires, équipages, cargaisons ou effets de commerce, pour une expédition militaire quelconque, ni pour quelque usage public ou particulier que ce soit, sans qu'il soit immédiatement accordé aux intéressés une indemnité suffisante pour cet usage, et pour les torts et les dommages qui, n'étant pas purement fortuits, naîtront du service auquel ils seront obligés.

VIII. Si (ce qu'à Dieu ne plaise) la paix entre les 2 Hautes Parties Contractantes venait à être rompue, il sera accordé, de part et d'autre, un terme de 6 mois aux commerçants qui se trouveront sur les côtes, et d'une année entière à ceux qui se trouveront dans l'intérieur du pays, pour régler leurs affaires et pour disposer de leurs propriétés, et, en outre, un sauf-conduit leur sera délivré pour s'embarquer dans tel port qu'ils désigneront de leur propre gré.

Tous les autres citoyens ayant un établissement fixe et permanent dans les Etats respectifs, pour l'exercice de quelque profession ou occupation particulière, pourront conserver leur établissement et continuer leur profession sans être inquiétés en aucune manière, et ceux-ci, aussi bien que les négociants, conserveront la pleine possession de leur liberté et de leurs biens, tant qu'ils ne commettront

aucune offense contre les lois du pays. Enfin, leurs propriétés ou biens, de quelque nature qu'ils puissent être, comme aussi les deniers dus par des particuliers ou par l'Etat, et les actions de banques et de compagnies ne seront assujettis à d'autres embargo, séquestres, ni à aucune autre réclamation, que ceux qui pourraient avoir lieu à l'égard des mêmes effets ou propriétés appartenant à des nationaux.

IX. Le commerce Français à Guatemala, et le commerce Guatemalien en France, seront traités, sous le rapport des droits de douane, tant à l'importation qu'à l'exportation, comme celui de la nation la plus favorisée.

Dans aucun cas, les droits d'importation imposés en France sur les produits du sol ou de l'industrie de Guatemala, et à Guatemala sur les produits du sol ou de l'industrie de la France, ne pourront être autres ou plus élevés que ceux auxquels sont ou seront soumis les mêmes produits importés par la nation la plus favorisée.

Aucune prohibition d'importation ou d'exportation n'aura lieu dans le commerce réciproque des 2 pays, qu'elle ne soit également étendue à toutes les autres nations.

Les formalités qui pourraient être requises pour justifier de l'origine et de la provenance des marchandises respectivement importées dans l'un des 2 Etats seront également communes à toutes les autres nations.

X. Les produits du sol et de l'industrie de l'un des 2 pays payeront, dans les ports de l'autre, les mêmes droits d'importation, qu'ils soient chargés sur navires Français ou Guatemaliens.

De même, les produits exportés acquitteront les mêmes droits et jouiront des mêmes franchises, allocations et restitutions qui sont ou seront réservées aux exportations faites sur bâtiments nationaux.

XI. Les navires Français arrivant dans les ports de Guatemala ou en sortant, et les navires Guatemaliens à leur entrée en France ou à leur sortie, ne seront assujettis à d'autres ni de plus forts droits de tonnage, de phare, de port, de pilotage, de quarantaine ou autres affectant le corps du bâtiment, que ceux auxquels sont ou seront respectivement assujettis les navires nationaux dans les 2 pays.

Les droits de tonnage et autres qui se prélèvent en raison de la capacité des navires seront d'ailleurs perçus en France, pour les navires Guatemaliens, d'après le registre Guatemalien du navire, et pour les navires Français à Guatemala, d'après le passeport ou congé Français du navire.

XII. Les navires respectifs qui relâcheront dans les ports ou sur les côtes de l'un ou de l'autre Etat ne seront assujettis à aucun droit de navigation, sous quelque dénomination que ces droits soient respectivement établis, sauf les droits de pilotage, phare et autres de même nature, représentant le salaire de services rendus par des

industries privées, pourvu que ces navires n'effectuent aucun chargement ni déchargement de marchandises.

Toutes les fois que les citoyens des 2 Hautes Parties Contractantes seront forcés de chercher un refuge ou un asile dans les rivières, baies, ports ou territoires de l'autre, avec leurs navires tant de guerre que marchands, publics ou particuliers, par l'effet du mauvais temps ou de la poursuite des pirates ou des ennemis, il leur sera donné toute protection, pour qu'ils puissent réparer leurs navires, se procurer des vivres, et se mettre en état de continuer leur voyage sans aucun empêchement, et même, dans le cas où, à raison de relâche forcée, les navires respectifs seraient obligés de déposer à terre les marchandises composant leurs chargements ou de les transborder sur d'autres navires pour éviter qu'elles ne dépérissent, il ne sera exigé d'eux d'autres droits que ceux relatifs au loyer des magasins, cours et chantiers qui seraient nécessaires pour déposer les marchandises et pour réparer les avaries des bâtiments. De plus, les citoyens des 2 Etats qui navigueront sur des bâtiments de guerre ou marchands, ou sur des paquebots, se prêteront, en haute mer et sur les côtes, toute espèce de secours, en vertu de l'amitié qui existe entre les 2 Etats.

XIII. Seront considérés comme Français les bâtiments construits en France, ou ceux qui, capturés par l'ennemi par des armements Français, auront été déclarés de bonne prise, ou enfin ceux qui auront été condamnés par les tribunaux Français pour infractions aux lois, pourvu d'ailleurs que les propriétaires, les capitaines et les trois quarts de l'équipage soient Français.

De même, devront être considérés comme guatemaliens tous les bâtiments construits dans le territoire de Guatemala, ou ceux capturés sur l'ennemi par des bâtiments de guerre de la République et déclarés de bonne prise, ou ceux enfin qui auront été condamnés par les tribunaux de Guatemala, pour infractions aux lois, pourvu toutefois que les propriétaires, les capitaines, et les 3 quarts de l'équipage soient Guatemaliens.

Il est convenu, d'ailleurs, que tout navire Français ou Guatemalien, pour jouir, aux conditions ci-dessus, du privilège de sa nationalité, devra être muni d'un passeport, congé ou registre, dont la forme sera réciproquement communiquée, et qui, certifié par l'autorité compétente pour le délivrer, constatera :

1°. D'abord, le nom, la profession et la résidence en France ou à Guatemala, du propriétaire, en exprimant qu'il est unique, ou des propriétaires, en indiquant leur nombre et dans quelle proportion chacun possède ;

2°. Le nom, la dimension, la capacité et enfin toutes les particularités du navire qui peuvent le faire reconnaître aussi bien qu'établir sa nationalité.

XIV. Les navires, marchandises et effets appartenant à des citoyens de l'une des Parties Contractantes, qui auraient été pris par des pirates, soit dans les limites de leur juridiction, soit en pleine mer, et qui auraient été conduits ou trouvés dans les rivières, rades, baies, ports, ou domaines de l'autre partie, seront remis à leurs propriétaires (en payant, s'il y a lieu, les frais de reprise qui seront déterminés par les tribunaux respectifs), lorsque le droit de propriété aura été prouvé devant les tribunaux, et sur la réclamation qui devra être faite, dans le délai d'un an, par les parties intéressées, par leurs fondés de pouvoirs ou par les agents des Gouvernements respectifs.

XV. S'il arrive que l'une des Hautes Parties Contractantes soit en guerre avec un autre Etat, aucun citoyen de l'autre Partie Contractante ne pourra accepter de commissions ou lettres de marque pour aider l'ennemi à agir hostilement contre la partie qui se trouve en guerre ou pour inquiéter le commerce ou les propriétés de ses citoyens.

XVI. Les 2 Hautes Parties Contractantes adoptent dans leurs relations mutuelles le principe que le pavillon couvre la marchandise. Si l'une des 2 parties reste neutre, dans le cas où l'autre viendrait à être en guerre avec quelque Puissance, les marchandises couvertes du pavillon neutre seront aussi réputées neutres, même quand elles appartiendraient aux ennemis de l'autre Partie Contractante. Il est également convenu que la liberté du pavillon s'étend aux individus qui seraient trouvés à bord des bâtiments neutres, et que, lors même qu'ils seraient ennemis des 2 parties, ils ne pourront être extraits des bâtiments neutres, à moins qu'ils ne soient militaires, et alors engagés au service de l'ennemi.

En conséquence du même principe, il est également convenu que la propriété neutre trouvée à bord d'un bâtiment ennemi sera considérée comme ennemie, à moins qu'elle n'ait été embarquée dans ce navire avant la déclaration de guerre, ou avant qu'on eût connaissance de cette déclaration dans le port d'où le navire sera parti.

Les 2 Hautes Parties Contractantes n'appliqueront ce principe qu'aux puissances qui le reconnaîtront également.

XVII. Dans le cas où l'une des Parties Contractantes serait en guerre et où ses bâtiments auraient à exercer en mer le droit de visite, il est convenu que, s'ils rencontrent un navire appartenant à une partie demeurée neutre, les premiers resteront hors de portée de canon, et qu'ils pourront y envoyer dans leurs canots seulement 2 ou 3 personnes chargées de procéder à l'examen des papiers relatifs à sa nationalité et à son chargement. Les commandants seront responsables de toute vexation ou acte de violence qu'ils commettraient ou toléreraient dans cette occasion.

Il est également convenu que, dans aucun cas, la partie neutre

ne pourra être obligée à passer à bord du bâtiment visiteur, ni pour exhiber ses papiers, ni pour toute autre cause que ce soit.

La visite ne sera permise qu'à bord des bâtiments qui navigueraient sans convoi. Il suffira, lorsqu'ils seront convoyés, que le commandant déclare verbalement, et sur sa parole d'honneur, que les navires placés sous sa protection et sous son escorte appartiennent à l'Etat dont il arbore le pavillon, et qu'il déclare, lorsque les navires seront destinés pour un port ennemi, qu'ils n'ont pas de contrebande de guerre.

XVIII. Dans le cas où l'un des 2 pays serait en guerre avec quelque autre puissance, les citoyens de l'autre pays pourront continuer leur commerce avec les Etats belligérants, quels qu'ils soient, excepté avec les villes ou ports qui seraient réellement assiégés ou bloqués. Il est également entendu qu'on n'envisagera comme assiégées ou bloquées que les places qui se trouveraient attaquées par une force belligérante capable d'empêcher les neutres d'entrer.

Bien entendu que cette liberté de commerce et de navigation ne s'étendra pas aux articles réputés contrebande de guerre, tels que bouches et armes à feu, armes blanches, projectiles, poudre, salpêtre, objets d'équipements militaires, et généralement toute espèce d'armes et d'instruments de fer, acier, cuivre, ou de toute autre matière, expressément fabriqués pour faire la guerre par mer ou par terre.

Aucun navire de l'une ou de l'autre des 2 nations ne sera détenu pour avoir à bord des articles de contrebande de guerre toutes les fois que le patron, capitaine ou subrécargue dudit navire délivreront ces articles de contrebande de guerre au capteur, à moins que lesdits articles ne soient en quantité si considérable et n'occupent un tel espace, que l'on ne puisse, sans de grands embarras, les recevoir à bord du bâtiment capteur. Dans ce dernier cas, de même que dans tous ceux qui autorisent légitimement la détention, le bâtiment détenu sera expédié dans le port le plus convenable et sûr qui se trouvera le plus à proximité, pour y être jugé suivant les lois.

Dans aucun cas, un bâtiment de commerce, appartenant à des citoyens de l'un des 2 pays, qui se trouvera expédié pour un port bloqué par l'autre Etat, ne pourra être saisi, capturé et condamné, si, préalablement, il ne lui a été fait une notification ou signification de l'existence du blocus par quelque bâtiment faisant partie de l'escadre ou division de ce blocus; et pour qu'on ne puisse alléguer une prétendue ignorance des faits, et que le navire qui aura été dûment averti soit dans le cas d'être capturé s'il vient ensuite à se représenter devant le même port pendant le temps que durera le blocus, le commandant du bâtiment de guerre qui le rencontrera d'abord devra apposer son visa sur les papiers de ce navire, en indiquant le jour, le lieu ou la hauteur où il l'aura visité et lui aura fait

la signification en question, laquelle contiendra d'ailleurs les mêmes indications que celles exigées pour le visa.

Tous navires de l'une des 2 Parties Contractantes qui seraient entrés dans un port avant qu'il fût assiégé, bloqué ou investi par l'autre puissance, pourront le quitter sans empêchement, avec leurs cargaisons; et si ces navires se trouvent dans le port après la reddition de la place, ils ne seront point sujets à la confiscation, non plus que leurs cargaisons; mais ils seront rendus à leurs propriétaires.

XIX. Chacune des 2 Hautes Parties Contractantes sera libre d'établir des Consuls à résidence dans les territoires et domaines de l'autre, pour la protection du commerce. Ces agents n'entreront en fonction qu'après avoir obtenu leur exequatur du Gouvernement du pays où ils seront envoyés.

Celui-ci conservera, d'ailleurs, le droit de déterminer les résidences où il lui conviendra d'admettre les Consuls; bien entendu que, sous ce rapport, les 2 Gouvernements ne s'opposeront respectivement aucune restriction qui ne soit commune dans les 2 pays à toutes les nations.

XX. Les Consuls respectifs et leurs chanceliers jouiront dans les 2 pays des privilèges attribués à leur charge, tels que l'exemption des logements militaires et celle de toutes les contributions directes, tant personnelles que mobilières ou somptuaires, à moins, toutefois, qu'ils ne soient citoyens du pays où ils résident, ou qu'ils ne deviennent, soit propriétaires, soit possesseurs de biens immeubles, ou enfin qu'ils ne fassent le commerce, pour lesquels cas ils seront soumis aux mêmes taxes, charges ou impositions que les autres particuliers. Ces agents jouiront, en outre, de tous les autres privilèges, exemptions et immunités qui pourront être accordés, dans leur résidence, aux agents du même rang de la nation la plus favorisée.

XXI. Les archives, et en général tous les papiers des consulats respectifs, seront inviolables, et, sous aucun prétexte ni dans aucun cas, ils ne pourront être saisis ni visités par l'autorité locale.

XXII. Les Consuls respectifs pourront, au décès de leurs nationaux morts sans avoir testé ni désigné d'exécuteurs testamentaires :

1°. Apposer les scellés, soit d'office, soit à la réquisition des parties intéressées, sur les effets mobiliers et les papiers du défunt, en prévenant d'avance de cette opération l'autorité locale compétente, qui pourra y assister, et même, si elle le juge convenable, croiser de ses scellés ceux apposés par le Consul, et dès lors ces doubles scellés ne seront levés que de concert;

2°. Dresser aussi, en présence de l'autorité compétente, si elle croit devoir s'y présenter, l'inventaire de la succession;

3°. Faire procéder, suivant l'usage du pays, à la vente des

effets mobiliers dépendants de la succession, lorsque lesdits meubles pourront se détériorer par l'effet du temps, ou que le Consul croira leur vente utile aux intérêts des héritiers du défunt ;

Et 4°. Administrer ou liquider personnellement, ou nommer, sous leur responsabilité, un agent pour administrer et liquider ladite succession, sans que, d'ailleurs, l'autorité locale ait à intervenir dans ces nouvelles opérations.

Mais lesdits consuls seront tenus de faire annoncer la mort de leurs nationaux dans une des gazettes qui se publient dans l'étendue de leur arrondissement, et ne pourront faire délivrance de la succession et de son produit aux héritiers légitimes ou à leurs mandataires qu'après avoir fait acquitter toutes les dettes que le défunt pourrait avoir contractées dans le pays, ou qu'autant qu'une année sera écoulée depuis la date de la publication du décès, sans qu'aucune réclamation ait été présentée contre la succession.

XXIII. Les Consuls respectifs seront exclusivement chargés de la police interne des navires de commerce de leur nation, et les autorités locales ne pourront y intervenir qu'autant que les désordres survenus seraient de nature à troubler la tranquillité publique, soit à terre, soit à bord des bâtiments.

Mais en tout ce qui regarde la police des ports, le chargement et le déchargement des navires, la sûreté des marchandises, biens et effets, les citoyens des 2 Etats seront respectivement soumis aux lois et statuts du territoire.

XXIV. Les Consuls respectifs pourront faire arrêter et renvoyer soit à bord, soit dans leur pays, les matelots qui auraient déserté des bâtiments de leur nation. A cet effet, ils s'adresseront par écrit aux autorités locales compétentes, et justifieront par l'exhibition du registre du bâtiment ou du rôle d'équipage, ou, si ledit navire était parti, par la copie des pièces dûment certifiée par eux, que les hommes qu'ils réclament faisaient partie de cet équipage. Sur cette demande ainsi justifiée, la remise ne pourra leur être refusée ; il leur sera donné, de plus, toute aide et assistance pour la recherche, saisie et arrestation desdits déserteurs, qui seront eux-mêmes détenus et gardés dans les prisons du pays à la réquisition et aux frais des Consuls, jusqu'à ce que ces agents aient trouvé une occasion de les livrer ou de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de 3 mois à compter du jour de l'arrestation, les déserteurs seraient mis en liberté et ne pourraient plus être arrêtés pour la même cause.

XXV. Toutes les fois qu'il n'y aura pas de stipulation contraire entre les armateurs, les chargeurs et les assureurs, les avaries que les navires des 2 pays auraient éprouvées en mer en se rendant dans les ports respectifs seront réglées par les Consuls de leur nation.

XXVI. Toutes les opérations relatives au sauvetage des navires

Français naufragés ou échoués sur les côtes de Guatemala seront dirigés par les Consuls de France, et, réciproquement, les Consuls Guatemaliens dirigeront les opérations relatives au sauvetage des navires de leur nation, naufragés ou échoués sur les côtes de France.

L'intervention des autorités locales aura seulement lieu dans les 2 pays pour maintenir l'ordre, garantir les intérêts des sauveteurs s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des Consuls ou Vice-Consuls, les autorités locales devront, d'ailleurs, prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Les marchandises sauvées ne seront tenues à aucun droit de douane, à moins qu'elles ne soient admises à la consommation intérieure.

XXVII. Il est formellement convenu entre les 2 Hautes Parties Contractantes que, indépendamment des stipulations qui précèdent, les agents diplomatiques et consulaires, les citoyens de toute classe, les navires et les marchandises de l'un des 2 Etats jouiront, de plein droit, dans l'autre, des franchises, privilèges, et immunités quelconques consentis ou à consentir en faveur de la nation la plus favorisée, et ce, gratuitement, si la concession est gratuite, ou avec la même compensation, si la concession est conditionnelle.

XXVIII. Sa Majesté le Roi des Français et la République de Guatemala, désirant rendre aussi durables et solides que les circonstances le permettront, les relations qui s'établiront entre les 2 puissances en vertu du présent Traité d'Amitié, de Navigation, et de Commerce, ont déclaré solennellement convenir des points suivants :

1°. Le présent Traité sera en vigueur pendant 12 années, à compter du jour de l'échange des ratifications, et si, 12 mois avant l'expiration de ce terme, ni l'une ni l'autre des 2 Hautes Parties Contractantes n'annonce, par une déclaration officielle, son intention d'en faire cesser les effets, ledit Traité restera encore obligatoire pendant 1 année, et ainsi de suite jusqu'à l'expiration des 12 mois qui suivront la déclaration officielle en question, à quelque époque qu'elle ait lieu.

Il est bien entendu que, dans le cas où cette déclaration viendrait à être fait par l'une des Parties Contractantes, les dispositions du Traité relatives au commerce et à la navigation seraient seules considérées comme abrogées et annulées; mais que, à l'égard des articles qui concernent les relations de paix et d'amitié, le Traité n'en restera pas moins perpétuellement obligatoire pour les 2 puissances.

2°. Si un ou plusieurs citoyens de l'une ou de l'autre partie venaient à enfreindre quelqu'un des articles contenus dans le présent

Traité, lesdits citoyens en seront personnellement responsables, sans que, pour cela, la bonne harmonie et la réciprocité soient interrompues entre les 2 nations, qui s'obligent mutuellement à ne protéger en aucune manière l'offenseur. Si, malheureusement, un des articles contenus dans le présent Traité venait, en quelque manière que ce soit, à être violé ou enfreint, il est expressément convenu que la partie qui y sera restée fidèle devra d'abord présenter à l'autre partie un exposé des faits ainsi qu'une demande en réparation accompagnée des documents et des preuves nécessaires pour établir la légitimité de sa plainte, et qu'elle ne pourra autoriser des représailles ni se porter elle-même à des hostilités, qu'autant que la réparation demandée par elle aura été refusée ou arbitrairement différée.

XXIX. Et dans le cas où il serait utile et convenable, pour faciliter davantage la bonne harmonie entre les 2 Hautes Parties Contractantes, et pour éviter à l'avenir toute espèce de difficultés, de proposer et d'ajouter quelques articles au présent Traité, il est convenu que les 2 puissances se prêteront, sans le moindre retard, à traiter et à stipuler les articles qui pourraient manquer audit Traité, s'ils étaient jugés mutuellement avantageux, et que lesdits articles, après avoir été convenus et dûment rectifiés, feront partie du présent Traité d'Amitié, de Commerce, et de Navigation.

XXX. Le présent Traité, composé de 30 Articles, sera ratifié par Sa Majesté le Roi des Français et par le Gouvernement de la République de Guatemala, et les ratifications en seront échangées à Guatemala ou à Paris, dans le délai de 18 mois, ou plus tôt, si faire se peut.

En foi de quoi, les Plénipotentiaires ci-dessus nommés l'ont signé, et y ont apposé leurs cachets, à Guatemala, le 8 Mars, 1848.

(L.S.) BARADERE.

(L.S.) J. MAR. RODRIGUEZ.

CONVENTION d'Accession de l'Etat de Costa-Rica au Traité d'Amitié, de Commerce et de Navigation, conclu le 8 Mars, 1848, entre la France, et la République de Guatemala.— Signé à Guatemala, le 12 Mars, 1848.

CONVENTION entre Sa Majesté le Roi des Français et l'Etat de Costa Rica, conclue par leurs Plénipotentiaires.

Son Excellence le Président de l'Etat Souverain et Indépendant de Costa-Rica, au Centre Amérique, animé du désir de conserver et d'augmenter les relations commerciales et la bonne intelligence existant depuis quelque temps entre cet Etat et les territoires de Sa

Majesté le Roi des Français, ayant donné à cet effet, pour négocier un Traité d'Amitié, de Commerce, et de Navigation avec le Gouvernement de Sa Majesté le Roi des Français, des pleins pouvoirs au Sieur Nasario Toledo, Sénateur; et, d'un autre côté, le Sieur Jean-Marie-Raymond Baradère, Chevalier de l'Ordre de la Légion d'Honneur, Consul Général de France au Centre-Amérique, et Plénipotentiaire de Sa Majesté le Roi des Français auprès de la République de Guatemala, n'étant pas revêtu des pouvoirs spéciaux pour la conclusion d'un Traité direct avec l'Etat Souverain et Indépendant de Costa-Rica; mais considérant, cependant, que ceux qui l'accréditent près de la République de Guatemala peuvent s'étendre à l'Etat de Costa-Rica, puisque les intérêts de cet Etat à l'égard de la France sont identiquement les mêmes que ceux de Guatemala, et qu'il faisait partie de la Fédération Centro-Américaine;

Et, enfin, bien convaincu que Sa Majesté le Roi des Français partage les sentiments qui animent son Excellence le Président de Costa-Rica, a jugé pouvoir accepter la proposition faite par le Sieur Nasario Toledo, Sénateur et Plénipotentiaire de l'Etat de Costa-Rica, d'accéder, au nom de son Excellence le Président de cet Etat, au Traité d'Amitié, de Commerce, et de Navigation, conclu le 8 Mars, 1848, entre Sa Majesté le Roi des Français et la République de Guatemala; en conséquence, les 2 Plénipotentiaires, voulant donner toute la solennité désirable à l'acte d'accession de son Excellence le Président de Costa-Rica au Traité du 8 Mars, 1848, avec Guatemala, et à l'acceptation de cette accession par le Plénipotentiaire de Sa Majesté le Roi des Français, sont convenus de conclure une convention spéciale dans cet objet; et, après s'être communiqué mutuellement leurs pleins pouvoirs, trouvés en bonne et due forme, ils ont arrêté les Articles suivants:

ART. I. Son Excellence le Président de l'Etat Souverain et Indépendant de Costa-Rica accède au Traité d'Amitié, de Commerce, et de Navigation, conclu et signé le 8 Mars, 1848, entre Sa Majesté le Roi des Français et la République de Guatemala. Sa Majesté le Roi des Français accepte l'accession de son Excellence le Président de Costa-Rica.

En conséquence, tous les Articles dudit Traité seront regardés comme conclus et signés de la même manière que la présente Convention, directement entre Sa Majesté le Roi des Français et son Excellence le Président de l'Etat Souverain et Indépendant de Costa-Rica.

Les Parties Contractantes conviennent et se promettent mutuellement d'exécuter fidèlement toutes les conditions et obligations de la présente Convention, et, afin d'empêcher toute équivoque, il a été décidé que ledit Traité sera transcrit ici mot à mot, comme suit:

*TRAITE d'Amité, de Commerce et de Navigation entre la France et
la République de Guatemala.*

[See Page 1363.]

II. LA présente Convention sera ratifiée, et les ratifications ne seront échangées à Paris, ou à Guatemala, ou à San José de Costa-Rica, dans le délai de 18 mois, ou plus tôt, si faire se peut.

En foi de quoi les Plénipotentiaires ci-dessus nommés ont signé a présente Convention, et y ont apposé leurs cachets, à Guatemala, le 12 Mars, 1848.

(L.S.) R. BARADERE.

(L.S.) NASARIO TOLEDO.

ARTICLE TRANSITOIRE.

La présente Convention sera considérée comme nulle et non avenue, si son Excellence le Président de Costa-Rica refuse son approbation et sa ratification à la transaction conclue, le 10 de ce mois, entre le Sieur Don Nasario Toledo, Ministre Plénipotentiaire de Costa-Rica, et le Sieur Jacques Mercher.

(L.S.) R. BARADERE.

(L.S.) NASARIO TOLEDO.

*SPEECH of the King of Prussia, on the Opening of the Prussian
Constituent Assembly.—Berlin, May 22, 1848.*

(Translation.)

GENTLEMEN DEPUTIES!

WITH joyful earnestness I greet an assembly which, having been chosen by general election of the people, is now to decide with me upon a Constitution which will mark a new epoch in the history of Prussia and of Germany. You will, I am persuaded, in beginning the task, set before yourselves the twofold aim of securing to the people an extended participation in the affairs of the State, and at the same time of drawing closer the ties which for more than 4 centuries have inseparably connected my house with the destinies of this country.

My Government will submit to you the draught of the Constitution. Simultaneously with you the representatives of the whole German people have met at Frankfort on the Main. I would willingly have awaited the result of the deliberations of that assembly before I convened the representatives of my loyal people. The urgent necessity of a prompt consolidation of public law in our more immediate fatherland has not admitted of this. The unity of Germany is my unalterable aim, for the attainment of which I feel secure of your co-operation.

[1848—49.]

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The internal tranquillity of the country is beginning to be established.

Upon the result of your proceedings mainly depends the complete restoration of confidence, and with it the reanimation of commerce and industry. Numerous efforts have been made to furnish opportunities for employment during the stagnation of trade. They must be continued and extended. As yet the increased demand for money has not exhausted the savings of past times.

My endeavours to meet the wishes of the Polish population of the province of Posen by organic arrangements have not succeeded in preventing an insurrection, which, however much I deplore it, has not deterred me from following the course I have entered upon, with the necessary regard for the claims of German nationality.

Notwithstanding the great commotions of the last months the friendly relations of my Government with foreign powers have been disturbed only on one point. I may indulge a hope that a friendly mediation which has been willingly accepted will essentially contribute to accelerate the conclusion of a contest which Prussia has not provoked, but which, as a German Federal Prince, I could not hesitate to take up, when the boundaries of the common fatherland appeared to be threatened, and I was called upon by the German Confederation to maintain an acknowledged right.

My policy will likewise prove in this case to be a disinterested and pacific one: a policy to which I, in close union with Germany, am firmly resolved to remain true.

*CONSTITUTION for the Prussian States.—Potsdam,
December 5, 1848.*

(Translation.)

WE, Frederick William, by the grace of God, King of Prussia, &c., &c.

Declare and make known: that in consequence of the extraordinary circumstances which have rendered the proposed settlements of the Constitution impossible, and in accordance with the exigencies of public welfare, with every possible regard for the important preliminary labours of the chosen representatives of the people, we have determined to issue the following deed of Constitution, with the proviso of a revision by the ordinary legislative means, as prescribed at the conclusion.

We accordingly publish the Constitution for the Prussian State as follows:

CHAPTER I.—*The State Dominions.*

ART. I. All the parts of the Prussian monarchy to their present extent form the Prussian State Dominions.

II. The boundaries of the State Dominions can only be changed by a law.

CHAPTER II.—*The Rights of Prussians.*

III. The Constitution and the laws define under what conditions the quality of a Prussian and the rights of citizens of the State are acquired, how they are to be exercised, and how forfeited.

IV. All Prussians are equal before the law. Class privileges have no existence. Public employment is equally open to all persons qualified for it.

V. Personal freedom is guaranteed. The conditions and forms under which an arrest may take place, are fixed by the law for the protection of personal freedom of the 24th September of this year.

VI. The dwelling-house is inviolable. Forcible entry and search therein are only allowed in the cases and in the forms defined by law. The seizure of letters and papers, except in the case of an arrest or search in a dwelling-house, can only take place in virtue of a judicial order.

VII. No one shall be withdrawn from his legal judge. Exceptional tribunals and extraordinary commissions in so far as they shall not be sanctioned by the present deed of Constitution, are unlawful. Punishment can only be threatened or inflicted in conformity with the law.

VIII. Property is inviolable. It can only be taken away or restricted on the ground of public benefit, and with previous compensation according to law, which in urgent cases, must at least be provisionally settled.

IX. There is no such thing as civil death, or punishment by confiscation of property.

X. The freedom of emigration is not restricted on the State account. No removal fees are to be levied.

XI. The freedom of religious creeds, of association with religious societies (§ § 27, 28), and of the common and public exercise of religion is guaranteed. The enjoyment of civil rights and of the rights of citizens of the State is independent of religious creed, or of association with any religious society. The duties appertaining to citizens or to members of the State must not suffer by the exercise of religious freedom.

XII. The Evangelical and Roman Catholic Churches, as well as every other religious society, are to regulate and administer their affairs independently, and to remain in possession and enjoyment of the establishments, foundations and funds destined for the objects of their worship, instruction, and charities.

XIII. The intercourse of religious societies with their superiors

remains unimpeded. The promulgation of their ordinances is only subjected to the restrictions to which all other publications are liable.

XIV. With respect to church patronage and to the conditions under which it is to be abolished, a special law will be issued.

XV. The right belonging to the State of proposal, election, or confirmation in respect to the occupation of ecclesiastical offices is abolished.

XVI. The civil validity of a marriage is dependent upon its being contracted before the civil officer appointed for the purpose. The ecclesiastical nuptial ceremony can only take place after the performance of the civil act.

XVII. Science and the instruction connected with it are free.

XVIII. The right of general popular education will be guaranteed to the Prussian youth by adequate public establishments.

Parents and guardians are bound to cause such instruction as is necessary for general popular education to be given to their children or to those committed to their care, and must, in this respect, conform to the regulations which will be prescribed by the law on instruction.

XIX. Every one is at liberty to give instruction and to found establishments for instruction, if he can prove to the proper State authorities his moral, scientific, and technical qualifications.

XX. The public schools for the people, as well as all other establishments for education and instruction, are under the superintendence of special authorities named by the State. The public teachers have the rights of servants of the State.

XXI. The management of the external affairs of the public schools, and the choice of the teachers, who must previously have proved to the proper authorities of the State their moral and technical qualifications, belongs to the community.

The respective religious societies provide for and superintend the religious instruction in the public schools.

XXII. The funds for the establishment, maintenance, and extension of the popular schools will be provided by the communes, and in cases of proved insufficiency of means will be made up by the State. The obligations of third persons arising from special legal stipulations remain in force.

The instruction in the public schools for the people is given gratis.

XXIII. A special law regulates the whole system of education. The State guarantees to the teachers in the public schools a fixed adequate salary.

XXIV. Every Prussian has the right of freely expressing his thoughts in words, in writing, in print, and in figurative representation. The freedom of the press cannot be restricted, suspended,

or abolished, under any circumstances, or in any manner; that is to say, neither by censorship nor by concession and the deposit of security, neither by State taxes, nor by restrictions of printing establishments and of the book trade, nor finally by postal prohibitions and unequal rates of postage, nor by other impediments to free circulation.

XXV. Offences which are committed in words, in writing, in print, or figurative representation, are to be punishable according to the general penal laws. Until the revision of the penal code has taken place, a special temporary law concerning them will be issued. Until that appears the present general penal laws remain in force.

XXVI. If the author of a publication be known, and within the reach of the judicial authority of the State, the publisher, printer, and distributor cannot be prosecuted, unless their complicity be shown by other facts. Every publication must bear the name of the publisher and printer.

XXVII. All Prussians have the right of assembling peaceably and without arms in enclosed spaces, without the previous permission of the authorities.

This stipulation does not apply to assemblies in the open air, which are subjected in all respects to the provisions of the law. Until the promulgation of such a law, notice of assemblies in the open air is to be given 24 hours previously to the local police authority, which is to prohibit the assembly, if it should be considered dangerous to public safety and order.

XXVIII. All Prussians have the right of associating in societies for such objects as are not in contravention of the penal laws.

XXIX. The law fixes the conditions upon which corporate rights are to be granted or refused.

XXX. The right of petition belongs to all Prussians. Petitions under a collective designation are only permitted to authorities and corporations.

XXXI. The secrecy of letters is inviolable. The necessary exceptions in cases of criminal judicial enquiries and in time of war are to be fixed by the legislature. The law designates the officers who are responsible for the violation of the secrecy of letters entrusted to the post.

XXXII. All Prussians are liable to military service; the law defines the nature and extent of this obligation. The stipulations contained in §§ 5, 6, 27, 28, are applicable to the army, in so far as the regulations of military discipline are not opposed to them.

XXXIII. The armed force consists of the standing army, of the militia (Landwehr), and of the Burgher Guard. Special laws regulate the form and method of providing substitutes, as well as the period of service.

XXXIV. The armed force can only be employed for the suppression of internal disturbances and in the execution of the laws, on the requisition of the civil authorities, and in the cases and forms prescribed by the law.

XXXV. The organisation of the Burgher Guard is regulated by a special law.

XXXVI. The army is subject, in war and on service, to the military criminal jurisdiction and the Military Penal Code; in peace and off service, the army is subject to the military criminal jurisdiction and the general penal laws. The stipulations relative to military discipline in war and peace, as well as the further provisions relative to the military judicial tribunals, remain the subject of special laws.

XXXVII. The standing army cannot deliberate, nor may the militia do so when it is called together. Even when it is not called together, meetings and associations of the militia, for the discussion of military orders and regulations, are not allowed.

XXXVIII. The establishment of fiefs (*Lehen*) and the foundation of family entails (*fidei commissen*) are prohibited. The existing fiefs and entails shall be transformed into freehold property by legal enactment.

XXXIX. The preceding stipulations (§ 38) are not for the present applicable to the Crown fiefs, to the entails of the Royal House and of the Prince, nor to the fiefs situated out of the State, and the former possessions and entails immediately under the Empire, in so far as the latter are guaranteed by the German federal law; their legal position will be regulated by special laws.

XL. The right of free disposal of real property is not subject to any other restrictions than those of the general legislation. The divisibility of real property and the commutation of burthens on it are guaranteed.

The following are abolished without compensation :

a. The special tribunals, police and magisterial authority attached to the ownership of property, as well as the rights of sovereignty and the privileges belonging to certain real estates; but then the burdens and responsibilities to which these rights were subject cease also.

Until the emanation of the new communal regulations, the present stipulations, relative to the administration of the police, remain in force.

b. The obligations arising from these privileges, from guardianship, from the former state of hereditary subjection, and from the former tax and trade arrangements.

In the case of the hereditary transmission of a real estate, only the transfer of the whole property is allowable; but here also, a fixed commutable quit-rent may be reserved.

CHAPTER III.—*The King.*

XXI. The person of the King is inviolable.

XLII. His Ministers are responsible. All administrative documents by the King require for their validity the countersignature of a Minister, who thereby undertakes the responsibility.

XLIII. The Executive power belongs to the King alone. He appoints and dismisses the Ministers. He orders the publication of the laws, and forthwith promulgates the necessary ordinances for their execution.

XLIV. The King has the command in chief of the army.

XLV. He appoints to all places therein as well as in the other branches of the State service, in so far as the law does not prescribe otherwise.

XLVI. The King has the right of declaring war and concluding peace, and of entering into Treaties with foreign Governments. Commercial Treaties, as well as other Treaties by which burthens are imposed upon the State, or obligations upon individual citizens of the State, require, for their validity, the consent of the Chambers.

XLVII. The King has the right of granting pardon and mitigation of punishment. In favour of a Minister who has been condemned on account of his official acts, this right can only be exercised on the motion of the Chamber from which the accusation has proceeded.

He cannot quash proceedings already instituted except by a special law.

XLVIII. To the King belongs the bestowal of Orders and other distinctions not connected with privileges. He exercises the right of coinage according to law.

XLIX. The King convokes the Chambers, and closes their sittings. He can either dissolve both at once, or only one. But the electors must be assembled within a period of 40 days after such dissolution, and the Chambers within a period of 60 days after such dissolution.

L. The King may prorogue the Chambers. But the prorogation must not, without the consent of the Chambers, exceed the term of 30 days, and must not be repeated during the same session.

LI. The Crown is, in accordance with the Royal household laws, hereditary in the male line of the Royal House according to the right of primogeniture, and of agnatic lineal succession.

LII. The King becomes of age on the completion of his 18th year.

He makes oath in the presence of the united Chambers, firmly and inviolably to maintain the Constitution of the kingdom, and to govern in conformity with it and with the laws.

LIII. The King cannot at the same time be Sovereign of foreign Empires, without the consent of both Chambers.

LIV. In the event of the minority of the King, both Chambers unite in one assembly, in order to establish the regency and guardianship, in so far as no provision shall have been made for both by a special law.

LV. If the King is unable, he who is next to the Crown, or he who, according to the household laws, takes his place, convokes both Chambers, in order to proceed according to § 54.

LVI. The regency can be conferred upon one person only. The regent, on entering upon the regency, takes an oath, firmly and inviolably to maintain the Constitution of the kingdom, and to govern in conformity with it and with the laws.

LVII. The Crown Trust Fund (*Kron-Fidei-Commiss-Fonds*) retains the revenue assigned to it by the law of the 17th of January, 1820, out of the proceeds of the domains and forests.

CHAPTER IV.—*The Ministers.*

LVIII. The Ministers, as well as the officers of the State appointed to represent them, have the right of admittance to each Chamber, and of being heard when they require it.

Each Chamber may require the presence of the Ministers.

The Ministers have a right of voting in one Chamber or the other only when they are members of them.

LIX. The Ministers may be impeached by a resolution of one of the Chambers for the crime of violating the constitution, of corruption, and of treason. The Supreme Court of Judicature of the Monarchy decides upon such an impeachment in a united meeting of the Senates. As long as there are still 2 Supreme Courts of Judicature existing, they will meet for the above purpose.

The details concerning cases of responsibility, the procedure and the amount of the punishment, are reserved for a special law.

CHAPTER V.—*The Chambers.*

LX. The Legislative power is exercised in common by the King and the 2 Chambers.

The consent of the King and both Chambers is necessary for every law.

LXI. The King, as well as each Chamber, has the right of proposing laws.

Proposals which have been rejected by one of the Chambers, or by the King, cannot be brought forward again during the same session.

LXII. The 1st Chamber consists of 180 members.

LXIII. The members of the 1st Chamber are elected by the representatives of the provinces, districts, and circuits. (§ 104.)

The representatives of the provinces, districts, and circuits form the electoral bodies, according to the detailed provisions of the electoral law; and they elect the number of deputies, in proportion to the population of the electoral districts.

(N.B. On the revision of the Constitution, it remains to be considered whether a part of the Members of the 1st Chamber should be named by the King, and whether a seat in the Chamber should be granted to the head burgomasters of the large towns, as well as to the representatives of the Universities and Academies of Arts and Sciences.)

LXIV. The legislative period of the 1st Chamber is fixed at 6 years.

LXV. Every Prussian who has completed his 40th year, who has not forfeited the full possession of civil rights by reason of a valid judicial sentence, and who has belonged during 5 years to the Prussian State, is eligible as a member of the 1st Chamber.

LXVI. The 2nd Chamber consists of 350 members. The electoral districts will be fixed according to the amount of the population.

LXVII. Every independent Prussian who has completed his 24th year, who has not forfeited the full possession of civil rights by reason of a valid judicial sentence, is a primary elector, having a right of voting in the commune in which he has resided or sojourned for 6 months, provided he does not receive assistance as a pauper from public funds.

(N.B. On the revision of the Constitution it remains to be considered whether a different mode of election might not be preferable, viz., that of the division according to certain classes respectively for town and country; whereby the whole of the heretofore primary electors vote concurrently.)

LXVIII. The primary electors of each commune choose 1 elector for every full number of 250 souls of its population.

LXIX. The Deputies are chosen by the electors. The electoral districts are to be so organized that at least 2 Deputies shall be chosen by 1 electoral body.

LXX. The legislative period of the 2nd Chamber is fixed at 3 years.

LXXI. Every Prussian is eligible as a Deputy of the 2nd Chamber who has completed his 30th year, provided he has not forfeited the full possession of civil rights by reason of any valid judicial sentence, and that he has belonged to the Prussian State for a whole year.

LXXII. The Chambers will be re-elected at the expiration of their legislative period; and in case of a dissolution. In both of which cases, the former members may be re-elected.

LXXIII. The Electoral Law settles the details respecting the elections for the 2 Chambers.

LXXIV. No substitutes shall be elected for the members of either Chamber.

LXXV. The Chambers shall be regularly convoked by the King, in the month of November of every year, and, whenever circumstances may require them to meet.

LXXVI. The opening and closing of the Chambers are done by the King in person, or by a Minister commissioned by him for the purpose, at a united sitting of the Chambers.

Both Chambers are convoked, opened, prorogued, and closed at the same time.

If one Chamber be dissolved, the other is prorogued at the same time.

LXXVII. Each Chamber examines and decides upon the legitimate election of its members. They regulate the course of their proceedings by an order of procedure, and choose their Presidents, Vice-Presidents, and Secretaries.

Public officials (*Beamte*), require no leave for entering the Chambers.

The members of either Chamber lose their seats and votes by the acceptance of a paid office of the State, or by promotion in that service; and can only regain their seat by a fresh election.

No one can be a member of both Chambers.

LXXVIII. The sittings of both Chambers are public. On the proposal of its President, or of 10 of its members, each Chamber may assemble for a secret sitting, at which the said proposal shall be the first thing decided on.

LXXIX. Neither of the 2 Chambers can pass a resolution unless a majority of its members be present.

Each Chamber passes its resolutions according to an absolute majority of votes, with a reservation of the exceptions which may be determined upon in the regulations for the proceedings upon elections.

LXXX. Each Chamber has the right of sending addresses to the King.

No one shall in person present a petition, or an address to the Chambers, or to either of them.

Each Chamber may refer the papers addressed to it to the Ministers, and may ask of them for information relative to complaints addressed to it.

LXXXI. Each Chamber has the power of appointing, for its information, commissions to inquire into facts.

LXXXII. The members of both Chambers are representatives of the whole of the people; they vote according to their free con-

victions; and are not bound by commissions or instructions given to them.

LXXXIII. They can neither be called to account for their votes in the Chamber, nor for their opinions expressed therein.

During the session no member can be proceeded against or arrested on account of any punishable transaction, without the previous permission of the Chamber to which he belongs, unless he be taken in the fact, or within 24 hours afterwards.

The like permission is necessary before an arrest for debt.

Every penal proceeding against a member of the Chambers, and every preliminary or civil arrest is revoked for the period of the sitting should the Chamber concerned demand it.

LXXXIV. The members of the 1st Chamber receive neither travelling expenses nor allowances.

The members of the 2nd Chamber receive from the Public Treasury travelling expenses and allowances as prescribed by Law. No renunciation of them can be allowed.

CHAPTER VI.—*The Judicial Power.*

LXXXV. The judicial power is exercised in the name of the King by independent tribunals, subject to no other authority than that of the law.

The sentences are pronounced and executed in the name of the King.

LXXXVI. The judges are appointed for life by the King, or in his name.

They can only be removed from office, suspended, or transferred, without their consent, to another place, by judicial decree, for reasons which the laws have provided and determined, and they can only be pensioned on the grounds and in the forms settled by law.

This stipulation is not applicable to the removals which are rendered necessary by changes in the organization of the tribunals or their jurisdictions.

LXXXVII. The judges must not be appointed to other paid offices of the State. Exceptions can only be sanctioned by a law.

LXXXVIII. The organization of the Tribunals is settled by law.

LXXXIX. No one can be called to a judicial office unless he has qualified himself for it according to the provisions of the law.

XC. Tribunals for particular classes of affairs, especially commercial and trade tribunals, shall be established by legislative enactment in the places where it may be considered necessary.

The organization and competency of the commercial, trade, and military tribunals, the procedure on the same, the nomination of their

members, and the particular position of the latter as well as the duration of their office, are fixed by the law.

XCI. Both the now existing Supreme Courts of Justice shall be united into one.

XCII. The proceedings before the tribunal which has to decide in civil and criminal cases shall be public. But publicity may be prohibited by public notice should it threaten danger to order or good morals. Publicity in civil cases may likewise be restricted by law.

XCIII. In criminal proceedings involving severe punishment, in political misdemeanors and those of the press, the decision upon the guilt of the accused is by jury. The formation of the Jury Courts is settled by a law.

XCIV. The competency of the tribunals and of the administrative authorities is fixed by law. A court of justice, appointed by law, decides upon disputes concerning competency between the authorities of the administration and of the tribunals.

XCV. No previous permission of the authorities is necessary to authorize judicial proceedings against public, civil, and military officers on account of their having violated the law by exceeding their official powers.

CHAPTER VII.—*The Officers of the State.*

XCVI. The particular legal position of the officers of the State not belonging to the judicial class, including the Attorneys-General, shall be regulated by a law which, without inconveniently limiting the Government in the selection of its executive organs, shall afford adequate protection to the officers of the State against arbitrary removal from office and salary.

XCVII. In the law relating to the servants of the State, special regard shall be had to the claims of the officers of the State regularly appointed before the promulgation of this Constitution.

CHAPTER VIII.—*The Administration of the Finances.*

XCVIII. The whole revenue and expenditure of the State must be estimated beforehand for each year, and inserted in the budget, which is to be annually settled by law.

XCIX. Taxes and imposts settled for the State Treasury can be levied only when they have been included in the budget, or settled by special laws.

C. No privileges in respect to the taxes can be introduced.

The existing enactments regarding taxes shall be revised, and every privilege abolished.

CI. State and communal officers can demand only such fees as are allowed by the laws.

CII. The raising of loans for the State Treasury can only take place by virtue of a law. The same rule applies to the undertaking of guarantees to the charge of the State.

CIII. The subsequent sanction of the Chambers is necessary for any excess upon the budget. The accounts of the Administration of the Finances of the State shall be examined and settled by the Superior Court of Accounts. The general account of the Administration of the Finances for each year, including a review of the State debts, shall be submitted to the Chambers by the Superior Court of Accounts, in order that the State Government may be relieved therefrom. A special law will regulate the organization and powers of the Superior Court of Accounts.

CHAPTER IX.—*Communal, Circle, District and Provincial Unions.*

CIV. The dominions of the Prussian State are divided into provinces, districts, circles, and communes; the representation and administration of which are regulated by special laws on the basis of the following principles:

1. Assemblies composed of chosen representatives shall decide on the internal and special affairs of the provinces, districts, circles, and communes, and their resolutions shall be carried into execution by the chiefs of the provinces, districts, circles, or communes.

The law will determine the cases in which the resolutions of the communal, circle, district, and provincial representation require the sanction of a higher representation, or of the State Government.

2. The chiefs of the provinces, districts, and circles are named by the State Government; those of the communes are elected by the members of the communes.

The organization of the Executive Power of the State is not affected by this.

3. To the communes particularly belongs the independent administration of their communal affairs, inclusively of the local police; the law will determine the period and the conditions of the transfer of the police administration to the communes.

The functions of the police may, in towns of more than 30,000 inhabitants, be transferred to the organs of the State.

4. The deliberations of the provincial, district, circle, and communal representations are in general held in public. The law fixes the exceptions. A report must be published at least once a year respecting the revenue and expenditure.

General Stipulations.

CV. Laws and ordinances are only binding when they are previously notified in the form prescribed by the law.

When the Chambers are not assembled, ordinances can, in urgent

cases, be issued with the force of law, on the responsibility of the whole Ministry of State, the same must, however, be submitted to the Chambers for their sanction immediately on their first meeting.

CVI. The Constitution may be altered by the ordinary means of legislation, for which purpose the ordinary absolute majority of votes in each Chamber is sufficient.

CVII. The members of both Chambers, and all officers of the State, have to swear loyalty and obedience to the King and the Constitution.

CVIII. The existing taxes and imposts will continue to be levied, and all the stipulations of the existing codes of laws, and of particular laws and ordinances which are not at variance with the present Constitution, remain in force until they shall be changed by a law.

CIX. All the authorities established by the existing laws remain in power until the execution of the organic laws which affect them.

CX. In case of a war or insurrection, §§ 5, 6, 7, 24, 25, 26, 27, and 28 of the Constitution, may be temporarily or locally suspended. The further stipulations thereon are reserved for a special law. Until the issue of which the existing regulations in this respect remain in operation.

Temporary Stipulations.

CXI. Should alterations of the present constitutional law be rendered necessary by the Constitution to be determined for Germany, the King will ordain them and communicate such ordinances to the Chambers on their first assembling.

The Chambers will then determine whether the alterations preliminarily enacted are in accordance with the German Constitution.

CXII. The present Constitution shall be subjected to legislative revision (§§ 60 and 66), immediately after the first assembling of the Chambers.

The oath of the King, mentioned in § 52, as well as the oath prescribed to be taken by both Chambers and all officers of the State, follow immediately upon the completion of the revision (§ 107).

In witness whereof, our royal autograph signature and seal are hereto affixed.

Given at Potsdam, the 5th December, 1848.

(L.S.) FREDERICK WILLIAM.

COUNT VON BRANDENBURG.

VON LADENBERG.

VON MANTEUFFEL.

VON STROTHA.

RINTELEN.

VON DER HEYDT.

TREATY between Prussia, Bavaria, Saxony, Wirtemberg, Baden, Hesse-Cassel, Hesse-Darmstadt, and the States forming the Thuringian Union, on the one part, and Nassau on the other part, for the Accession of the Grand Duchy of Nassau to the German Union of Customs.—Signed at Berlin, December 10, 1835.

(Translation.)

HIS Serene Highness the Duke of Nassau having declared his intention to accede to the Union for Customs and Commerce (Customs' Union), existing among Prussia, Bavaria, Saxony, Wirtemberg, Baden, the Electorate of Hesse, the Grand Duchy of Hesse, and the States belonging to the Thuringian Union, and having nominated Plenipotentiaries accordingly in order to carry out the necessary negotiations to that purpose, that is to say : on the one part,

His Majesty the King of Prussia : for himself and as representing the Crowns of Bavaria, Saxony, and Wirtemberg, as well as the Grand Duchy of Baden, and the States belonging to the Thuringian Union ;—represented by :

Albert Count of Alvensleben, His Chamberlain, Actual Privy Councillor, and Chief *ad interim* of the Ministry of Finance ; Knight of the Royal Prussian Order of the Red Eagle, Third Class, with the loop ; of the Order of St. John ; Commander of the Royal Hungarian Order of St. Stephen ; and Grand Cross of the Order of the Zähringian Lion of the Grand Duchy of Baden ; and,

Albert Frederick Eichhorn, His Actual Privy Councillor of Legation and Director in the Ministry of Foreign Affairs ; Knight of the Royal Prussian Order of the Red Eagle, Second Class ; Holder of the Iron Cross, Second Class on the White Ribband ; Knight of the Imperial Russian Order of St. Ann, Second Class ; Commander of the Royal Bavarian Order of Civil Merit ; of the Royal Saxon Order of Civil Merit ; Commander of the Royal Hanoverian Guelphic Order ; and of the Order of the Royal Crown of Wirtemberg ; Grand Cross of the Order of the Zähringian Lion of the Grand Duchy of Baden ; Commander First Class of the Order of the Golden Lion of the Electorate of Hesse ; and of the Order of Louis of the Grand Duchy of Hesse ; Grand Cross of the Order of the White Falcon of the Grand Duchy of Saxony ; and of the Ducal Saxe-Ernestine Order ;

His Highness the Prince Elector and Co-Regent of Hesse ; represented by :

Charles Frederick of Wilkens-Hohenau, His Actual Privy Councillor of Legation, Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia, Commander of the Order of the Golden Lion of the Electorate of Hesse ; Knight of the Royal

Prussian Order of the Red Eagle, Third Class; and of the Royal Prussian Order of St. John; Grand Cross of the Order of the Zähringian Lion of the Grand Duchy of Baden; Commander First Class of the Order of Louis of the Grand Duchy of Hesse; and Commander of the Order of the White Falcon of the Grand Duchy of Saxony; and,

Henry Theodor Lewis Schwedes, His Chief Director of Mines and Salt-Works; Knight of the Order of the Golden Lion of the Electorate of Hesse, Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden, and of the Order of the White Falcon of the Grand Duchy of Saxony;

His Royal Highness the Grand Duke of Hesse; represented by: Frederick Ferdinand William Baron Schäffer of Bernstein, His Chamberlain, Major and Flank Adjutant, Chargé d'Affaires at the Royal Court of Prussia; Commander, Second Class of the Order of Louis of the Grand Duchy of Hesse; Holder of the Insignia of Honour for Military Service; Knight of the Imperial Austrian Order of Leopold; of the Royal French Legion of Honour; of the Royal Hanoverian Guelphic Order; and of the Royal Order of Military Merit of Wirtemberg, and Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden; and,

Henry Lewis Biersack, His Chief Councillor of Finance, Knight First Class of the Order of Louis of the Grand Duchy of Hesse; Knight of the Royal Prussian Order of the Red Eagle, Third Class; of the Royal Bavarian Order of Civil Merit; of the Order of the Royal Crown of Wirtemberg; and of the Order of the Zähringian Lion of the Grand Duchy of Baden.

On the other part:

His Serene Highness the Duke of Nassau; represented by: William Magdeburg, His Director of Government.

By which Plenipotentiaries the following Treaty has been concluded, under a reservation as to ratification:

ART. I. His Serene Highness the Duke of Nassau accedes, with his dominions, to the Union established for the purpose of a common system of Customs and Commerce among the Kingdoms of Prussia, Bavaria, Saxony, and Wirtemberg, the Grand-Duchy of Baden, the Electorate and the Grand Duchy of Hesse, as well as the States confederated in the Thuringian Union for Customs and Commerce, on the basis of the Treaties concluded to this effect under date of 22nd and 30th March, and 11th May, 1833, and 12th May, 1835.

In consequence of this accession, and on submitting to equal obligations and acquiring equal rights, the Duchy of Nassau shall form, with the countries belonging to the said Union, one Collective Union for Customs and Commerce.

The stipulations of the said Treaties, together with the modifica-

tions agreed upon with regard to the present accession of the Duchy of Nassau, are contained in the following Articles :

II. It having been decided that similar laws relative to import, export, and transit-duties shall prevail within the dominions of the Contracting States, though with such modifications as may appear necessary on account of the general legislation of any one of the participating States, or on account of local interests, but without prejudice to the common objects, this rule shall consequently be applied also to the Grand Duchy of Nassau.

With reference however to import and export duties upon such articles as are less adapted for commercial traffic on a larger scale, and with reference to transit duties in cases where the course of the commercial roads renders it necessary, such deviations from the generally adopted rates, as may appear desirable to particular States, shall not be excluded from the Customs' tariff, provided those variations do not operate injuriously on the general interests of the Union.

In like manner the administration of the import, export, and transit-duties, and the organisation of the requisite authorities, shall be put, in the Duchy of Nassau, on an equal footing with the Customs' administration and organisation now existing in all the dominions of the General Union, with due regard however to the peculiar circumstances existing there.

III. Alterations in the Customs' Laws, including the Customs' Tariff, and the Customs' Regulations, as well as additions to and exceptions from them, can be effected only in the same manner as the introduction of the laws, and with the like consent of all the members of the General Union.

The same rule also applies to all regulations involving a general change in the administration of the Customs.

IV. Freedom of commerce and intercourse between the Contracting States of the Union and the Duchy of Nassau, and at the same time a common interest in the Customs' revenues, shall commence from the date of the execution of the present Treaty, as determined in the following Articles.

V. From the same period all import, export, and transit duties on the common boundaries of the States hitherto forming the Customs' Union, and of the Duchy of Nassau, shall be abolished, and all articles already free to pass to and fro in one territory shall be admitted free and without restriction into the other territory, with the following exceptions only :

a. Articles belonging to the State monopolies (playing cards and salt), according to §§ 6 and 7.

b. Articles of home production at present subject to various duties within the Contracting States, or which are exempt from duty

in one State, but subject to duty in another, and which are on that account liable to a differential duty, according to § 8, and finally:

c. Such articles as cannot be imitated, or imported without infringing the privileges of invention (patents) granted by one of the Contracting States, and which therefore during the continuance of the privileges (patents), must continue to be excluded from importation into the State which has granted the same.

VI. With respect to the importation of playing cards, each of the Contracting States shall be at liberty to continue the existing laws of prohibition or restriction.

VII. With respect to salt, His Highness the Duke of Nassau accedes in the following manner to the arrangements made by the Contracting Governments of the Union:

a. The importation of salt, and of all substances from which culinary salt is usually extracted, from foreign countries not belonging to the Union, into the States of the Union, is prohibited, unless it be on the special account of one of the Confederate Governments, and for immediate sale in their salt-offices, factories, or depôts.

b. The transit of salt, and of the above-mentioned substances from countries not belonging to the Union, into other countries similarly situated, shall take place only with the consent of those States of the Union whose territory is to be passed in the transit, and under such measures of precaution as they may think necessary.

c. The exportation of salt into foreign countries, not belonging to the Union, is free.

d. With respect to the trade in salt within the States of the Union, the importation of that article from one State into another shall be allowed only in case of special Treaties to that effect existing between the Governments of those States.

e. If one Government desires to obtain a supply of salt from another Government within the Union, either from public or from private salt-works, such consignments must be accompanied by free-warrants from the public authorities.

f. If a State of the Union desires to obtain its necessary supply of salt, either from abroad or from another State of the Union, through the medium of a third Confederate State, or if the first State desires to export its salt through the same channel into foreign countries not belonging to the Union, no impediment shall be offered to such transactions; but agreements shall previously be made between the States thus concerned, so far as this may not have been determined already by former Treaties, in order to define the respective roads for the transport, and to adopt the necessary measures of precaution for the prevention of smuggling.

g. If there should be such a difference between the prices of salt in the Duchy of Nassau and in one of the adjoining States of the Union, that danger of the smuggling of salt would probably arise for one or

the other of those States, the Governments thus concerned will agree upon measures to avoid this danger as much as possible, without causing impediments to the free circulation of other goods.

VIII. With reference to those productions respecting which a difference of legislation still exists among the various States of the Union, with regard to the imposts laid on them in the interior (§ 5 *b*), His Highness the Duke of Nassau likewise acknowledges it to be desirable that a uniformity in the legislation and in the Customs' Tariffs of such imposts should be established, and the said Government will exert itself to accomplish this object. Until this end has been attained, and in order to avoid the disadvantages which might result from an unequal scale of imposts to the manufacturers of his own State in relation to the manufacturers in other States of the Union, supplementary and differential duties may be levied upon the following articles, viz.

a. On beer, spirits, tobacco, must, and wine, in the kingdom of Prussia.

b. On beer, spirits, bruised malt, in the kingdom of Bavaria, (exclusive, for the present, of the Rhenish circle.)

c. On beer, spirits, tobacco, must, and wine, in the kingdom of Saxony.

d. On beer, spirits, bruised malt, in the kingdom of Wirtemberg.

e. On beer, in the Grand-Duchy of Baden.

f. On beer, spirits, tobacco, must, and wine, in the Electorate of Hesse.

g. On beer, in the Grand-Duchy of Hesse.

h. On beer, spirits, tobacco, must, and wine, in the States belonging to the Thuringian Union.

In the Duchy of Nassau no differential duties shall be levied, inasmuch as neither the production of wine and tobacco, nor the manufacturing of beer and brandy is subject to any special imposts there.

In case, however, the Ducal Government should think it convenient at a future time, to submit all or some of the said productions within its own territory to an impost of production, or manufacture, the right of levying differential duties shall be reserved to the said Government under the same circumstances as those under which the other States of the Union exercise it towards each other.

The said duties shall be fixed and levied according to the following principles:

(1.) The differential duties shall be estimated by the difference between the legal duties in the country of destination and those to which the same article is subject in the country of its origin; and consequently such duties will be inoperative with reference to those countries of the Union where the same production is subject to an equally high or to a higher duty.

(2.) Any alterations which are made in the duties upon home productions of the States respectively concerned, shall also be followed by alterations in the differential duties, but constantly with the application of the principle previously established in § 1.

If, in consequence of such an alteration any differential duty would have to be increased, and in case such an increase be actually demanded, a negotiation on this point must previously take place between the States concerned, and sufficient proof must be given of the admissibility of the increase, according to the stipulations of the present Treaty.

(3.) The duty Tariffs at present legally existing in Prussia on must and wine of home growth, on the cultivation of tobacco, and on spirits, as well as the duty at present existing in Bavaria on bruised home-grown malt, and on beer (malt tax), shall in every case form the highest rate of differential duties which it is permitted to raise on the importation of the above articles from a country where no duty is levied on the same productions, into any State of the Union where such duty has been or may in future be introduced; even when the duty in question, levied in the State which receives the compensation duty, should exceed the highest rate fixed.

(4.) No return of inland duties shall be granted on the transport of duty-paid articles into another country of the Union, unless the adjacent States thus interested shall have agreed upon exceptions from this principle, on account of particular local circumstances.

(5.) Under no circumstances shall differential duties be imposed upon any other products than beer and malt, spirits, tobacco-leaves, must, and wine.

(6.) In all the States in which a differential duty is levied on tobacco, must, and wine, no further imposts of any kind on these products shall in any case be retained or introduced, either on account of the States or on account of the communes.

(7.) Articles proved in the manner prescribed in the Customs' Regulations to be foreign import or transit-goods, and which, as such, have already been, or are still under, official cognisance at some Custom House of the Union, and also those articles produced within the boundaries of the Union which are passing on transit only through a State of the Union in order to be exported either into another such State or into foreign countries, shall not be subject to differential duties.

(8.) The differential duty shall be for the benefit of that State into which the consignment is being sent; should it not have been previously levied in the exporting country, on account of the State entitled thereto, it shall be levied in the territory of the latter.

(9.) In each of the Contracting States certain arrangements shall be adopted for levying the differential duty in that State of the Union from which the consignment takes place, either at the

place from whence the goods are sent off, or else at the nearest and most conveniently situated Customs' Office, or where payment of such duties can be insured by proper notice.

(10.) Until these arrangements shall have been determined by special agreements, the traffic in articles which are subject to a differential duty will be in so far restricted that those articles must, without distinction as to the quantities transported, be imported into the territory of the State which is entitled to such duty, only upon roads which shall be specially defined for this purpose, and upon the navigable rivers, and must be respectively reported and cleared at the Customs' Houses which shall be established there.

IX. Respecting the excise of consumption which is levied within the dominions of the Union upon other articles than those which are mentioned in § 8, or upon the same articles in those countries where no differential duty is levied upon them, a reciprocity of treatment shall be observed as well by the Contracting States of the Union as by the Duchy of Nassau, in such manner that the production of any one State of the Union shall on no account be more heavily taxed in another State than its own indigenous productions.

The same principle shall apply also to the additional tolls and excise levied on account of single communes; provided that this kind of impost be not altogether inadmissible, according to the stipulation No. 6, § 8.

X. Highway or other similar dues, as well as paving and dyke rates, bridge and ferry-tolls, or under whatever denominations such dues may exist, and without difference whether they be levied on account of the State, or in virtue of private rights, for example, those of a commune, shall be respectively maintained, or new ones introduced, whether for causeways or other ways, high roads, or communication roads, only to such an amount as may be proportionate to the usual expenses of the construction and maintenance thereof.

The highway dues at present existing in Prussia, according to the general Tariff of the year 1828, shall be regarded as the highest rate, and shall not henceforth be exceeded in any one of the Contracting States.

Special charges for town-gate-dues and for paving on causeways shall be abolished, wherever they may still exist, according to the preceding principle; and the local paving dues shall be included in the tracts of the high roads or causeways, in such manner that highway dues alone shall be levied according to the general Tariff.

XI. His Highness the Duke of Nassau is also willing to co-operate, in order to introduce in all the States of the Contracting Governments the same system of moneys, measures, and weights, and will participate in the negotiations to be opened for this purpose.

His Highness accedes to the Convention already existing between

the members of the Union, according to which the Hessian quintal, which is equal to the (ducal) quintal of Nassau, has been adopted as the (unity) standard for the common Customs' weight. The admeasurement and clearance at the Customs of goods on which duty is chargeable by measurement, shall take place in the Duchy of Nassau, according to the legal standard, until a common system of admeasurement shall likewise have been agreed upon.

To facilitate the transmission of goods, and for the readier dispatch of such consignments at the Customs' stations, the Government of the Duchy of Nassau will publish officially, for the use of the Customs' offices in the Duchy of Nassau as well as of the commercial public generally, a comparative statement of the weights and measures which have been adopted in the Tariffs of the other Contracting States.

Until the latter shall have agreed upon a common system of coinage, the payment of the Customs' duties in the Duchy of Nassau shall be made, according to usage in the other States of the Union, in the currency in which the payment of any other home contribution or taxes is made there.

The gold and silver coins however of all the Contracting States, without any distinction, with the exception of the small coinage, shall meanwhile be received at all the Customs' stations of the general Union, and from all persons who have to make payments; and for this purpose the valuation tables, in respect of which an agreement has already been made among the members hitherto forming the Union, shall be published in the Duchy of Nassau, and *vice versâ*, the valuation of the coins of the Duchy of Nassau, computed according to those tables, shall be published in the other States of the Union.

XII. The water-tolls or way-fees on rivers, including such dues as are chargeable on the body of the vessel (recognition fees), shall continue to be levied in future on those rivers to which the stipulations of the Act of the Congress of Vienna, or Special State Treaties apply, provided that no other special arrangements shall be made on this point.

Every concession granted by a State of the Union to the navigation of its own subjects upon the above-mentioned rivers, shall in like manner be conceded to the navigation of the subjects of the other States of the Union.

Upon the other rivers, to which neither the Act of the Congress of Vienna nor any other public State Treaties apply, the river dues shall be levied according to the private regulations of the respective Governments concerned; but the subjects of the Contracting States and their goods and craft shall invariably be treated on equal terms everywhere on these rivers.

XIII. All dues for canals, locks, bridges, ferries, harbours, weigh-

ing-machines, cranes, and warehouses, and all fees for arrangements intended to facilitate commerce, shall be levied only for the use of such actually existing arrangements; these dues shall, as a general rule, not be increased at all, but should they be so, they shall in no case be increased beyond the amount of the ordinary cost of construction and maintenance; and they shall be levied everywhere from the subjects of the other Contracting States in a perfectly equal degree with their own subjects, and likewise without any distinction as to the destination of the goods.

No charge of fees is to be made for the use of weighing-machines, if used only for the purpose of ascertaining the Customs' duties or for the general purposes of official Customs' control.

XIV. His Serene Highness the Duke of Nassau will also on his part co-operate with the Contracting States of the Union to promote trade and industry by the adoption of uniform principles, and to see that the utmost freedom of action be given to the right of the subjects of one State to seek work and employment in the other.

The subjects of one of the Contracting States carrying on trade or commerce, or seeking employment in the territory of another of these States, shall not, from the period when the present Treaty comes into force, pay any taxes which are not paid by the subjects of the latter State, in a similar position of trade or industry.

In like manner manufacturers and tradesmen who are only making purchases for their business, or travellers who do not carry goods but only samples of them, for the purpose of obtaining orders, shall not be compelled to pay any further tax on this account, if they have acquired in the State of the Union where they reside the licence for carrying on this trade by payment of the legal dues, or if they are in the employ of native merchants or tradesmen who have done so.

The subjects of any of the Contracting States who attend the markets and fairs in the other States in pursuit of trade, and for the disposal of their productions or manufactures, shall also be treated on equal terms with the subjects of the States thus visited.

XV. The Prussian sea-ports shall be open to the trade of the subjects of the Duchy of Nassau and of the other States of the Union, upon payment of precisely the same duties as are paid by the Royal Prussian subjects, and the Consuls of one or other of the Contracting States appointed at foreign sea-ports and other commercial places shall be bound to afford aid and assistance whenever it may be necessary to the subjects of the other Contracting States.

XVI. His Serene Highness the Duke of Nassau accedes by these presents to the Customs' Convention (*Forekartel*)—concluded under date of 11th of May, 1833, among the members hitherto forming the Union, for the purpose of protecting their common Customs' system against smuggling, and their duties upon articles of domestic

consumption against fraud—during the continuance of the present Treaty, and will order that such Articles of the above Convention as concern him be published in his dominions simultaneously with the latter. The other members of the Union will also on their part take the necessary steps to ensure the general execution of the stipulations of that Customs' Convention in their reciprocal relations with the States of the Union.

XVII. The common participation in the receipts of the Contracting States consequent upon the present Treaty has reference to the proceeds of the import, export, and transit-duties in the Prussian States, the Kingdoms of Bavaria, Saxony, and Wirtemberg, the Grand Duchy of Baden, the Electorate of Hesse, the Grand Duchy of Hesse, the Thuringian Customs' and Trade Union, and the Duchy of Nassau, including also those countries which have hitherto joined the Customs' system of any of the Contracting States.

From the community of receipt is excepted the revenue arising from the following sources, which is reserved for the private benefit of the Governments interested, unless separate Conventions between particular States of the Union determine otherwise :

(1.) The taxes which are levied on home productions within each State, including the differential duties reserved in § 8.

(2.) The river-tolls.

(3.) Highway rates, paving, dyke, bridge, ferry, canal, lock, and harbour-dues, as well as weighing and warehouse fees, or any similar impost of whatsoever denomination.

(4.) Customs' fines and forfeitures, which shall belong to each Government within its own territory, after payment of the share reserved for the informers.

XVIII. The amount of the duties which are to become common property shall be divided among the members of the Union in proportion to the populations with which they form part of the general Union, after deducting :

(1.) The expenses which are mentioned hereafter in § 26.

(2.) The restitution of erroneous levies.

(3.) The indemnifications and reductions of Customs which have been made by virtue of joint agreements.

The population of such States as have acceded or may hereafter accede to the Customs' Union by virtue of an agreement with one or other of the Contracting States, guaranteeing an annual payment to be made by such State as their share in the common Customs' revenue, shall be included in the population of the State which makes the payment.

The census of the population of each separate State of the Union shall be taken every 3 years, and the result shall be reciprocally communicated by the members of the Union to each other.

XIX. Concessions to tradesmen respecting the payment of Customs' duties, which are not founded on the Customs' laws, shall be chargeable to the Treasury of that Government which has granted them; the circumstances, under which such concessions may be granted, are reserved for special agreement.

XX. Conformably with the object of the Union, which is the promotion of a free and natural movement in general commercial intercourse, special concessions in connection with the Customs which are enjoyed by certain places where fairs are held, more particularly the privileges of discount, shall not be extended in those States of the Union where they at present still exist, but rather be limited as far as possible, and be brought, as speedily as possible, to a total extinction, with due regard to the circumstances under which the maintenance of such hitherto favoured places, in their previous commercial relations with foreign countries, depends. In no case, however, shall any new concession be granted without general consent.

XXI. Articles, which are imported for the service of the Court household of the Sovereign and their reigning houses, or for the foreign Ambassadors, Envoys, Chargés d'Affaires, &c., accredited to their Courts, shall not be exempt from the payment of Customs according to the Tariff, and if any remission be made for the same, it shall not be charged to the general account.

Neither can any indemnifications which are to be paid to the former immediate estates of the Empire, or to communes, or privileged private individuals for abolished toll-rights or for exemptions repealed, be charged to the general account.

But, on the other hand, every State shall be at liberty to allow by means of warrants the free ingress, egress, and transit of single articles without the payment of duties. Such articles, however, shall be dealt with according to the Customs' laws, and shall be recorded in Free-registers, which shall be kept in the same manner as the other Customs' registers, and the duties, which would have been leviable on them, shall be deducted, at the next adjustment of the revenue accounts, from the share of the State by which the Free warrants have been granted.

XXII. The right of remission, and of commutation of punishment, shall be reserved to each of the Contracting States within its own dominions. Periodical returns of the remission of punishments thus granted shall be reciprocally communicated on demand.

XXIII. The appointment of officials at the local and central district stations for control and receipt of Customs, who, according to special agreement on this point, are to be appointed and instructed upon uniform principles, is left to the Ducal Government of Nassau, as well as to all the other members of the General Union within their own territories.

XXIV. In like manner the service at the local Customs' stations, and the execution of the common Customs laws, shall also in the Duchy of Nassau be under the direction of a Customs' Board, which shall be subordinate to the Ducal Ministry. The formation of this Board, and the regulation of its proceedings, is reserved to the Ducal Government of Nassau, but its jurisdiction, so far as it is left undecided in the present Treaty and in the common Customs' laws, will be defined in common instructions to be agreed upon.

XXV. The returns to be made up quarterly by the Officers of the Customs' receipts, and the final adjusted accounts, which are to be rendered at the end of the year, when the books are closed and balanced; as well as the accounts which have become due respectively in the course of each quarter and during the whole financial year, shall, after previous examination by the Customs' Boards of the Duchy of Nassau, be made up in general statements in the same manner as by the respective Customs' Boards of the Contracting States of the Union, and these statements shall be transmitted to the central office at Berlin. From the said statements this Central Board shall make up every three months the provisional accounts-current of the Confederated States, transmitting them to their central Finance Offices, and preparing the definitive annual balance account for the year.

Should it appear from the quarterly accounts, that the actual receipts of any member of the Union have remained below its proportionate share in the general revenue by more than the average amount of one month, the necessary measures must forthwith be taken to make up this deficiency by payments to be made by any State or States wherein a surplus receipt has taken place.

XXVI. With respect to the expenses of levying the duties and the charges of management, the following principles shall be observed also in the relations of the Duchy of Nassau with the Contracting States of the Union:

(1.) No community herein can be allowed, but each Government shall defray all expenses of levying the duties, and all charges of management incurred in its own territory, whether such expenses be for the establishment and maintenance of the chief and Sub-Customs' Offices, the inland Tax Offices and Customs' Warehouses, the Customs' Boards, the provision for the staff employed therein, or the pensions to be granted them; or lastly for any other requirements resulting from the administration of the Customs.

(2.) Respecting that portion of the expense however, which is necessary for the Customs' officers employed in levying duties, in supervision and control, or in watching on the external frontiers next foreign countries, and within the boundary district belonging thereto, an agreement shall be made for the payment of inclusive

sums, which each of the Contracting States may deduct from its annual gross receipt of Customs, of which it has to render account to the Union.

(3) On ascertaining this proportion of expenses, and where the collection of private taxes is combined with the levying of Customs, the salaries and official expenses of the Customs' officers shall be chargeable to the joint account only in proportion to their occupation in the Customs' service, as compared with their official duties generally.

(4.) An agreement will be made with the Ducal Government of Nassau upon general rules to bring the rates of salary of the officers employed in levying Customs' duties, and in supervision, as much as possible into conformity, having reference also to the Duchy of Nassau.

XXVII. The Contracting Parties reciprocally concede to each other the right of appointing Comptrollers at the Chief Customs' offices on the frontiers of other States of the Union, who shall take cognizance there, and at the Sub-offices, of all matters connected with the despatch of business, the guarding of the boundaries, the observance of lawful proceedings, and the removal of defects, but who, for the rest, are to abstain from individual interference.

It is reserved for a regulation of service more especially to be agreed upon, whether and in what degree the above-mentioned comptrollers are to take part in the transactions of the current business.

XXVIII. The Ducal Government of Nassau shall have the right to delegate Officials to the Customs' Boards of the other members of the Union, and *vice versa*, the latter to the Ducal Customs' Board of Nassau, for the purpose of acquiring a perfect knowledge of all business connected with the administration, or having reference to the community of interest agreed upon by the present Treaty.

The relative position and duty of these officers which shall be similar to those of the delegates at the Customs' Boards of the other members of the Union, shall be further defined in a special instruction, based on the consideration of unreserved candour, on the part of the administration where these delegates exercise their functions, relative to all matters connected with the management of the joint Customs'-administration, and the facilitating of every means of acquiring information on this subject; whilst, on the other hand, the solicitude of the delegates must be directed no less sincerely towards the settlement of any doubts and differences of opinion which may arise, in a manner appropriate to the common object, and to the relations of Confederate States.

The Ministerial Departments or the Supreme Boards of Administration of all the States of the Union shall reciprocally communicate to each other, when requested, all desirable information upon the common affairs of the Customs; and if it should be resolved to

delegate, temporarily or permanently, a superior Officer for this purpose, or to commission a Plenipotentiary, otherwise accredited to the Government, every opportunity, according to the above expressed principle, shall be readily afforded to such delegate, in order to enable him to make himself perfectly acquainted with the affairs of the management of the joint Customs.

XXIX. A meeting of Plenipotentiaries from the members of the Union shall be held annually at the beginning of June for the purpose of deliberation in common.

For the formal direction of the proceedings at the discussions, the Plenipotentiaries will choose from amongst themselves a President, who shall not, however, enjoy any preeminence over the other members.

At the close of each annual meeting the place for the next meeting shall be agreed upon, taking into consideration the nature of the objects expected to be discussed at the ensuing conference.

XXX. The attention of the Plenipotentiaries at the conference shall be directed to

a. The consideration of all complaints and defects which have been perceived in one or other of the States of the Union, relative to the execution of the fundamental Treaty, of the special Conventions, and of the Customs' laws, regulations, and Tariffs,—which may not have been settled and disposed of in the course of the year by correspondence upon the subject between the Ministerial Department and the Chief Boards of Direction.

b. The definitive settlement among the members of the Union of the common receipts, founded on such statements as are necessary for the purpose of a proper examination, agreeable to the common interest, which statements are to be rendered by the principal Customs' authorities, and to be submitted by the Central Office.

c. The consultations respecting wishes and propositions for the improvement of the Customs' administration which may be submitted by the Governments of particular States.

d. The negotiations respecting alterations of the Customs' laws the Customs' regulations, the Customs' Tariff, and the organization of the administration which may have been proposed by any of the Contracting States, and generally all matters referring to the suitable development and accomplishment of the common system of commerce and Customs.

XXXI. If any extraordinary events should occur in the course of the year, at any other period than that of the ordinary meeting of the Plenipotentiaries at the Conference, which call for immediate measures or dispositions on the part of the States of the Union, the Contracting Parties will decide thereon by diplomatic means, or they will convoke an extraordinary meeting of their Plenipotentiaries.

XXXII. The expenses of the Plenipotentiaries and of their assistants shall be defrayed by the members of the general Union by

which they are deputed. The staff of the Secretarial and the place of assembly will be furnished free of expense by the Government in whose territory the meeting of the Conference takes place.

XXXIII. The Ducal Government of Nassau engages to take such measures as may be necessary to guard against any loss which might arise to the revenues of the general Union from the importation and accumulation of large stocks of goods imported at a lower rate of duty.

XXXIV. In case any other German States should intimate their wish to be admitted into the Customs' Union, the High Contracting Parties declare themselves ready to comply with such wish, by concluding Treaties for that purpose, as far as may be compatible with the regard due to the peculiar interests of the members of the Union.

XXXV. They will also exert themselves to facilitate and to extend as much as possible the commerce of their connections by means of Treaties with other States.

XXXVI. Whatever is necessary for the execution in detail of the stipulations of the present Treaty, and of its supplements, shall be prepared by common commissioners.

XXXVII. The duration of the present Treaty, which is to come into operation on the 1st of January, 1836, is provisionally fixed until the 1st of January, 1842. If during this period, and at the latest 2 years before the expiration of it, no notice of its cessation be given, it shall be considered as prolonged for 12 years, and so on afterwards from 12 years to 12 years.

This latter arrangement shall, however, be observed only in case all the States of the Germanic Confederation should not in the meantime agree upon adopting such common measures as may fully accomplish the object of the present Customs' Union, as being in accordance with the intention of Article XIX of the Act of the Germanic Confederation.

Should any general regulations be adopted relative to a free trade in provisions in all the States of the Germanic Confederation, the stipulations on this subject in the Tariff of the Union at present in force, conformably with the present Treaty, shall be modified accordingly.

The present Treaty shall be forthwith submitted for ratification by the High Contracting Courts, and the interchange of the Ratification shall be effected at Berlin as speedily as possible.

Done at Berlin, 10th December, 1835.

(L.S.) VON ALVENSLEBEN.

(L.S.) MAGDEBURG.

(L.S.) v WILKENS.

(L.S.) BARON SCHAEFFER BERNSTEIN.

(L.S.) ALB. fr EICHHORN.

(L.S.) HEIN TH. LUDW. SCHWEDES.

(L.S.) HEIN LUDW. BIRSACK.

TREATY between Prussia, Bavaria, Saxony, Wirtemberg, Baden, Hesse-Cassel, Hesse-Darmstadt, the States forming the Thuringian Union, Nassau, and the Free City of Frankfort, on the one part ; and Lippe-Detmold on the other part, for the Accession of the Principality of Lippe-Detmold to the German Union of Customs.—Signed at Berlin, October 18th, 1841.

[Ratifications exchanged at Berlin, December 14, 1841.]

(Translation.)

HIS Serene Highness, the Prince of Lippe, having expressed his wish to procure for the principality of Lippe the advantages of a reciprocal and, as far as possible, free traffic and intercourse by means of a more intimate connection of the said principality with Prussia and the other States of the Customs' and Trade Union, the following Plenipotentiaries have been nominated in order to carry on the necessary negotiations for this purpose ; that is to say :

His Majesty the King of Prussia, for himself and as representing the other members of the Customs' and Trade Union existing by virtue of the Treaties of 22nd and 30th of March, and 11th of May, 1833 ; 12th of May and 10th of December, 1835 ; 2nd of January, 1836 ; and 8th of May, 1841, namely : of the Kingdoms of Bavaria, Saxony, and Wirtemberg, the Grand Duchy of Baden, the Electorate of Hesse, the Grand Duchy of Hesse, the States forming the Thuringian Customs' and Trade Union,—more especially the Grand Duchy of Saxony, the Duchies of Sax-Meiningen, Sax-Altenburg and Saxe-Coburg and Gotha, and the principalities of Schwarzburg-Rudolstadt and Schwarzburg-Sondershausen, Reuss-Greiz, Reuss-Schleiz and Reuss-Lobenstein and Ebersdorf,—the Duchy of Nassau, and the Free City of Frankfort ;

Francis Augustus Eichmann, His Actual Privy Councillor of Legation and Director of the Second Division in the Foreign Ministry ; Knight of the Royal Prussian Order of the Red Eagle, Second Class with the Oak-Wreath ; of the Imperial Austrian Order of Leopold ; Commander of the Royal Bavarian Order of Civil Merit ; Commander of the Royal Saxon Order of Civil Merit ; Commander of the Order of the Royal Crown of Wirtemberg, Commander, First Class, of the Order of the Zähringian Lion of the Grand Duchy of Baden, and of the Grand-Ducal Hessian Order of Louis ; Commander of the Order of the White Falcon of the Grand-Ducal House of Saxony, and Commander, First Class, of the Ducal Order of Henry the Lion, of Brunswick ; and :

Adolphus George Theodore Pochhammer, His Chief Councillor of Finance, Knight of the Royal Prussian Order of the Red Eagle Third Class with loop ; Commander of the Royal Bavarian Order of Merit of Saint Michel ; Knight of the Royal Bavarian Order of Civil Merit ;

Commander, First Class, of the Royal Hanoverian Guelphic Order ; Knight of the Order of the Royal Crown of Wirtemberg ; Commander, Second Class, of the Grand-Ducal Hessian Order of Louis ;

His Serene Highness the Prince of Lippe ;

William Arnold Eschenburg, His President of Government and of the Chamber, Knight of the Royal Hanoverian Guelphic Order ; and,

Otho William Charles von Röder, His Minister Resident at the Royal Court of Prussia, Lieutenant-Colonel and Chamberlain ; Knight of the Royal Prussian Order of the Red Eagle, Third Class ; Commander, First Class, of the Ducal Saxe-Ernestine Order ; Commander of the Ducal Order of Henry the Lion of Brunswick ; Knight of the Royal Bavarian Order of Civil Merit ; and Commander of the Royal Belgian Order of Leopold ; by which Plenipotentiaries the following Treaty has been concluded, subject to ratification :

ART. I. His Serene Highness the Prince of Lippe accedes, with his territory, but without prejudice to his sovereign rights, to the Customs' system of the Kingdom of Prussia, and of the States united therewith in a Customs' Union.

II. In consequence of this accession, His Serene Highness the Prince of Lippe will introduce in his States—on abolition of the laws and regulations at present existing there in reference to import, export, and transit-dues and the administration thereof,—the administration of the import, export, and transit dues in accordance with the respective laws, tariffs, regulations and other administrative dispositions which now exist in Prussia ; and he will for this purpose cause the necessary laws, tariffs, and regulations to be published ; special dispositions moreover for the guidance of his subjects, or persons bound to pay Custom dues, shall be made publicly known by his Government.

III. Any future alterations of the legal regulations existing in Prussia, mentioned in the preceding Article, or any new regulations of that kind, which, for the sake of uniformity, would have to be carried out in the principality of Lippe, will require the consent of the Government of Lippe. This consent will not be withheld, if such alterations are made general in the Royal Prussian States.

IV. With the execution of the present Treaty, all import, export, and transit dues on the boundaries between Prussia and the principality of Lippe shall cease, and all articles may be imported free and without hindrance from the latter territory into the Prussian State and those States united with Prussia in a Customs' Union, and *vice versa*, from the latter States into the principality of Lippe, with the reservation only of

a. The articles belonging to the State monopolies (salt), and likewise playing cards and almanacks according to § 6, 7.

b. Such articles of home production as are liable to a duty within the territory of the Customs' Union according to § 8; and lastly,

c. Such articles as cannot be imitated or imported without infringement of the privileges of invention (Patents), granted by one of the Contracting States, and which therefore must be excluded during the continuance of said privileges (Patents), from importation into the State which has granted them.

V. 1.—Respecting salt, His Serene Highness the Prince of Lippe accedes to the arrangements existing between the members of the Customs' Union, in the following manner:

a. The importation of salt, and of all substances from which culinary salt is usually extracted, from foreign countries, not belonging to the Union, into the States of the Union, shall be prohibited, unless it be for the special account of one of the Confederated Governments, and for the purpose of immediate sale in their salt-offices, factories, or depôts.

b. The transit of salt, and of the above-mentioned substances, from countries not belonging to the Union into other countries similarly situated, shall take place only with the consent of those States of the Union whose territory is touched in the transit, and under such measures of precaution as they may think it necessary to enforce.

c. The exportation of salt into foreign countries, not belonging to the Union, is free.

d. With respect to the trade in salt within the States of the Union, the importation of that article from one State into another shall be allowed only in case of special Treaties to that effect existing between the respective Governments.

e. If one Government should desire to import salt from another Government within the General Union, either from the public or from private salt works, such transmission of salt must be accompanied by pass-warrants issued by the public authorities.

f. If a State of the Union desires to import its supply of salt through the medium of another such State, either from abroad or from a third State of the Union, or if the first State desires to export salt through the same channel into foreign countries not belonging to the Union, no impediment shall be offered thereto; so far, however, as no regulations on this point have been adopted by former Conventions, the respective roads for the transport, and the requisite measures of precaution for the prevention of smuggling, shall be agreed upon by previous Convention between the States concerned.

2.—With regard to the surplus of production over the consumption of salt in the principality of Lippe, and to the danger of salt-smuggling which might arise to the Kingdom of Prussia, as well

from the above cause, as from a difference between the prices of salt in the 2 Contracting States, both Governments will agree upon measures to prevent this danger as far as possible, without causing impediment to the free traffic in other goods.

VI. Respecting the importation of playing cards and almanacks, the principles, according to which the present laws of prohibition or restriction, and the arrangements for the sale of these articles, still remain in force in all the States belonging to the Union, shall also be applied in the principality of Lippe.

VII. The regulations agreed upon between the States of the Union by the Convention of the 8th of May of the present year, respecting the internal duties which are levied in some States of the Union, partly on the manufacturing or preparation, partly direct on the consumption of certain productions, and respecting the traffic in such productions, shall be applied likewise in the principality of Lippe. In consequence hereof, and in accordance with the stipulations made for this purpose in the special Convention of this day between Prussia and Lippe, with reference to the duties which are leviable in the latter State on home productions, neither any remission of duties shall be made, nor any transit-dues levied reciprocally between Prussia and the territory of Lippe, on any kind of inland produce on its transit from one territory into the other. In its relation to the other States of the Customs' Union, the principality of Lippe shall be placed on the same footing with Prussia, with respect to remissions to be made and transit duties to be levied.

VIII. His Serene Highness the Prince of Lippe accedes to the agreement made between the States of the Customs' Union, under date of the 8th of May of the present year, respecting the duty to be levied on sugar made from beetroot within the territory of the Union, and he likewise agrees that, should the manufacture of sugar or treacle from any other home products than that of beetroot,—*e.g.*, from starch,—attain any considerable extent within the Customs' Union, this manufacture should likewise be made subject to an equal taxation in all the States of the Union, according to the principles agreed upon with regard to the taxation of beetroot sugar.

IX. His Serene Highness the Prince of Lippe accedes to the arrangement made in the Customs' Convention concluded between Prussia and the other German States, and communicated to the Government of the Prince, with reference to the following articles:

1. Respecting the amount to be levied, and the mode of levying highway, paving, dyke, bridge and ferry-dues, town-gate fees and paving rates, without reference as to whether such dues are levied on account of the Government treasury, or in virtue of private rights,—of a Commune for example.

2. Respecting the introduction of an equal system of moneys, measures, and weights.

3. Respecting the adoption of uniform principles for the promotion of industry, more especially :

a. Respecting the right of the subjects of one State of the Customs' Union to seek work and employment in the territory of another such State.

b. Respecting the taxes to be paid by the subjects of one State of the Union who carry on commerce or trade, or who seek employment in the territory of another such State.

c. Respecting the free admission of manufacturers and other tradesmen, who are making purchases for their business only, or of travellers, who do not carry goods, but only patterns of such with them, for the purpose of procuring orders.

d. Respecting the attendance at fairs and markets.

4. Respecting the fees and payments for establishments or arrangements which are intended to facilitate intercourse and trade.

More especially His Serene Highness accedes by these presents, to the general Coinage Convention concluded under date of 30th of July 1838, between the Governments belonging to the Customs' Union, declaring the adoption of the 14 thaler standard as the legal coinage standard in the principality of Lippe.

X. The water tolls, as also the passage dues upon rivers, including such fees as are chargeable on the body of the vessel, shall continue to be reciprocally levied on navigation upon the rivers to which the stipulations of the Congress of Vienna or special State Treaties apply, provided that no other special arrangements in this respect be made.

All the privileges which one State of the Union may concede to the navigation of its own subjects upon the above-mentioned rivers, shall in like manner be conceded to the navigation of the subjects of the other States of the Union.

Upon the other rivers, to which neither the Act of the Congress of Vienna nor any other State Treaties apply, the water-tolls will be levied according to the private arrangements of the respective Governments concerned. But the subjects of the Contracting States and their goods and craft shall likewise be treated everywhere on these rivers on equal terms.

XI. From the day of the execution of the mutual Customs' regulations of the Union, all the staple rights and privileges of package, which may still exist in the principality of Lippe, shall cease, as such privileges have already been abolished in the other territories belonging to the Customs' Union, and no one shall be liable to any stoppage, loading, or warehousing of goods, except in such cases as are permitted or prescribed by the common Customs' regulations or by the respective rules of navigation.

XII. His Serene Highness hereby accedes to the Customs' Convention concluded between the members of the Union for Customs and Commerce, for the purpose of protecting their common Customs' system against smuggling, and their imposts on articles of home consumption against fraud; and will cause such articles of that Convention as concern him to be published in the principality simultaneously with the present Treaty. The other States of the Union will likewise adopt the proper measures to ensure the general execution of the stipulations of this Customs' Convention in their reciprocal relations.

XIII. The arrangements for the Customs' administration in the principality of Lippe, in conformity with the laws and regulations mentioned in § 2, more especially the formation of the boundary-district and the designation and official authorisation of the services requisite for levying and for other business of the Customs, shall be settled by mutual agreement, and with the assistance of the Executive Committee to be appointed for this purpose by both parties.

His Serene Highness the Prince of Lippe will assign the said administration to the Royal Prussian Provincial Direction of Customs at Münster.

In the formation of the boundary-district, and in fixing the interior line, due precaution shall be taken to impede the traffic as little as is consistent with the existing regulations and with the common end in view.

The Customs roads shall be marked out by notice boards, and the course of the internal line shall be publicly made known.

The offices for levying and for other business of the Customs shall be regarded as common.

XIV. His Serene Highness the Prince of Lippe will make provision for the regular appointment of proper officials at the common Customs' offices as well as at the requisite Customs' Comptrol offices, to be established in the principality of Lippe, according to the special agreement made on this point.

The Customs' and tax officers, who in consequence hereof are to officiate in the principality of Lippe, shall take the oath of allegiance to the Government of the Prince of Lippe in the name of the Sovereigns of both the respective countries, and shall be furnished with the proper certificates for the execution of their duties.

Respecting their official duties, however, more especially the discipline of the service, the said officials shall be subordinate only to the Royal Prussian Provincial Direction of Customs at Münster.

The shields in front of the offices for levying and for other business of the Customs in the principality of Lippe shall bear the arms of the principality of Lippe, and the simple inscriptions:—

“Chief Customs' office,” “Customs' office,” “Tax Office,” and

these as well as the Customs' regulations-tables, turnpikes, &c., shall be furnished with the colours of the State of Lippe.

The stamps and seals used in the business of the Customs shall likewise bear the arms of the principality of Lippe only.

XV. The investigation and punishment of Customs' contraventions committed in the principality of Lippe, shall take place in accordance with the Customs' penal law, to be published there, in the administrative procedure, before the Chief Customs' Office and its constituted administrative authorities, in the judicial procedure, however, before the law courts of the principality, according to the existing rules and regulations of competency.

XVI. The exercise of the right of pardon and of commutation of punishment with respect to persons condemned in the principality of Lippe on account of offences committed against the Customs, is reserved to his Serene Highness the Prince of Lippe.

XVII. In consequence of the present Treaty, the Kingdom of Prussia and the principality of Lippe, shall enjoy a common interest in the revenue derived from import, export, and transit-duties, and, according to the arrangements made in this respect, the proceeds of these receipts shall be divided in proportion to the population.

XVIII. As foreign articles which are subject to duty in the States of the Customs' Union are, with few exceptions, subject to no duty in the principality of Lippe, the latter Government engages, before free intercourse becomes established between the principality and the territory of the Customs' Union, to adopt such measures as may be necessary to guard against any injury to the revenue of the Union which may arise from accumulation and importation of large stores of goods on which no duty has been paid.

XIX. The duration of the present Treaty is fixed until the last day of December, 1853.

If no notice of cessation be given on one part or the other, one year before the expiration of this period, the Treaty shall be regarded as prolonged for 12 years further, and so on from 12 years to 12 years.

This Treaty shall forthwith be submitted for ratification to all the respective Governments concerned, and the interchange shall take place at Berlin, with all possible despatch, but at the latest within 6 weeks.

Done at Berlin, the 28th of October, 1841.

(L.S.) FRANCIS AUGUSTUS EICHMANN.

(L.S.) WILLIAM ARNOLD ESCHENBURG.

(L.S.) ADOLPHUS GEORGE THEODORE POCHHAMMER.

(L.S.) OTHO WILLIAM CHARLES VON ROEDER.

*CORRESPONDENCE between Great Britain and France
respecting the Affairs of Poland.—July, 1831.**

No. 1.—The Prince de Talleyrand to Visc^t. Palmerston.—(Rec. July 20.)

Londres, le 20 Juillet, 1831.

LE Soussigné, Ambassadeur de Sa Majesté le Roi des Français près Sa Majesté Britannique, à l'honneur d'adresser à Lord Palmerston, Premier Secrétaire d'Etat au Département des Affaires Etrangères, la copie d'une dépêche qu'il a reçu de M. le Général Comte Sébastiani, relativement à la situation actuelle de la Pologne, et aux démarches de conciliation que le Gouvernement du Roi aurait le désir de faire de concert avec le Gouvernement de Sa Majesté Britannique.

Cette communication, dont le Soussigné a déjà fait connaître la substance à Lord Palmerston, dans plusieurs entretiens, notamment dans celui du 14 de ce mois, a pour but de satisfaire à la demande qu'il lui a fait de recevoir, à ce sujet, une pièce sur laquelle il serait à portée de fixer l'attention spéciale du Conseil de Sa Majesté Britannique.

Le Soussigné prie Lord Palmerston de vouloir bien lui faire part de l'opinion que le Gouvernement Anglais se sera formée sur la communication qu'il est chargé de lui faire, et il saisit, &c.

LE PCE. DE TALLEYRAND.

S.E. le Vicomte Palmerston, G.C.B.

(Inclosure.)—Count Sebastiani to the Prince de Talleyrand.

MON PRINCE,

Paris, le 7 Juillet, 1831.

LE Roi, touché des maux qu'à déjà causés la guerre de Pologne à 2 nations qui lui inspirent un si vif intérêt, jaloux d'assurer le maintien de la paix chaque jour compromise par une lutte aussi prolongée, et non moins occupé de préserver l'Occident de l'Europe du terrible fléau que cette guerre traîne à sa suite, s'est adressé avec confiance à l'Empereur de Russie pour mettre un terme à tant de malheurs, et faire cesser une effusion de sang dont l'humanité n'a que trop longtemps gémi. La pensée du Roi était aussi de conserver l'existence politique d'un peuple qui s'en est montré si digne par tant de courage et de patriotisme, et qui a pour sa nationalité la garantie des Traités de Vienne. Jusqu'ici les efforts du Roi n'ont pas obtenu les résultats qu'il était en droit de se promettre. Malgré leur peu de succès, Sa Majesté ne pense point qu'elle doive renoncer à la généreuse et pacifique médiation que lui conseillent ses sentiments personnels et que lui prescrit la situation de l'Europe. Elle croit surtout que si l'Angleterre agissait d'accord avec la France pour donner à cette salutaire intervention toute la force dont elle est susceptible, l'effet

* Laid before Parliament, 1861.

pourrait en être assuré par l'union de ces 2 Puissances. Le Roi connaît assez les sentiments qui animent Sa Majesté Britannique pour espérer qu'elle ne refusera point de donner sa franche et complète adhésion à nos démarches et de joindre à nos efforts son action puissante, lorsqu'il s'agit aussi souverainement du bien de l'humanité et de l'intérêt général de l'Europe. Le désir de Sa Majesté, mon Prince, est que vous fassiez à ce sujet des ouvertures immédiates et pressantes au Gouvernement Anglais : nous en attendons le résultat avec une vive impatience.

Agréez, &c.

M. le Prince de Talleyrand.

HORACE SEBASTIANI.

No. 2. —Viscount Palmerston to the Prince de Talleyrand.

Foreign Office, July 22, 1831.

THE Undersigned has the honour to acknowledge the receipt of a note of the 20th instant from the Prince de Talleyrand, inclosing the copy of a despatch dated the 7th of July, addressed to his Excellency by Count Sebastiani, which the Undersigned has lost no time in laying before the King.

The Undersigned is commanded to express the sense entertained by His Majesty of the frank and conciliatory manner in which this communication has been made. It is His Majesty's sincere desire to cultivate the most friendly and confidential intercourse with the Court of France, more especially when the end in view is the preservation or the restoration of peace.

As far, therefore, as regards the desire of the French Government to secure to the Poles the national and political existence which it was one of the objects of the Treaty of Vienna to establish, the Undersigned has to state, in the most distinct terms, that His Majesty could not consent to see Poland deprived of the advantages of that arrangement; nor has the Undersigned waited for the present communication from the Prince de Talleyrand to make such representations upon this point to the Russian Cabinet as, without indicating any suspicion of the intentions of that Government, might prevent future misunderstanding.

The object of the communication which it is now proposed that France and England should jointly address to Russia, is an immediate cessation of hostilities, with a view to negotiations for the purpose of re-establishing peace between the contending parties by some lasting arrangement; and it appears from Count Sebastiani's despatch that a proposition to this effect has already been made to Russia by France, but hitherto without success.

If His Majesty had reason to think that the Emperor of Russia was disposed to avail himself of the good offices of the 2 Courts, and that their intervention might lead to an accommodation, His Majesty would willingly co-operate in a friendly endeavour to restore peace

between Russia and Poland. But there are, on the contrary, too many reasons for fearing that a simple offer of mediation, so far from being desired by His Imperial Majesty, would, at the present moment certainly be refused.

Can it then be expedient to make a proposal which there is no ground to hope would be accepted; and which, if refused, would leave to the 2 Governments the embarrassing alternative of either acquiescing in a determined rejection of their proposal, or of taking measures to enforce it by means of a more direct and effectual interference? The British Government certainly is not prepared to adopt the latter course. The effects and bearing of the contest upon the security of other States have not hitherto been such as to warrant measures of such a description; nor has the conduct of Russia towards England been calculated to excite any unfriendly feeling: she has, on the contrary, performed towards this country all the offices of a good and faithful ally, and, in the late difficult negotiations for the purpose of effecting a settlement between Belgium and Holland, she has acted with perfect fairness in her co-operation with the other 4 Powers.

Under these circumstances, His Majesty, deeply lamenting the calamities of a disastrous and desolating contest, does not think the time has yet arrived when he could be justified in adopting a proceeding which, however conciliatory in form, could not fail to alarm an independent Power, naturally jealous of its rights, and sensibly alive to everything which might appear to affect its national honour.

For these reasons His Majesty feels himself under the necessity of declining the proposal which the Prince de Talleyrand has been instructed to convey. But the Undersigned is at the same time commanded to repeat to his Excellency that there exists on the part of His Majesty a sincere and earnest desire to co-operate with the King of the French in promoting the general interests of humanity and peace. The King can never look with indifference on such a state of things as that which now exists in Poland. His anxious attention will be constantly directed to the progress of the contest, and though he finds himself compelled at present to withhold his assent to the proposed offer of a joint mediation, His Majesty will not be the less anxious to avail himself of any favourable opportunity which the friendly relations subsisting between the Courts of Great Britain and Russia may afford, to lend his assistance to the benevolent work of putting a stop to the further effusion of blood, and of restoring to the countries now suffering under all the evils of war, the enjoyment of the blessings of peace.

The Undersigned, &c.

H.E. The Prince de Talleyrand.

PALMERSTON.

*CORRESPONDENCE between Great Britain and Russia,
respecting the Affairs of Poland.—1831, 1832.**

No. 1.—Lord Heytesbury to Viscount Palmerston.—(Rec. Feb. 10.)

MY LORD,

St. Petersburg, January 21, 1831.

THIS Government is extremely sensitive upon the question of foreign interference with the affairs of Poland, so much so that I fear the subject could hardly be approached, or any advice be tendered, without offence. Any proposal to mediate, whether from France, or from any other Power, would be received, I am convinced, with high indignation, and lead to no beneficial result.

I have, &c.

Viscount Palmerston, G.C.B.

HEYTESBURY.

No. 2.—Lord Heytesbury to Viscount Palmerston.—(Rec. March 16.)

MY LORD,

St. Petersburg, February 25, 1831.

I UNDERSTAND that an Ukase has been made out, appointing Field-Marshal Diebitsch to be Military Governor of Poland, and M. Engel to be the head of the Provisional Civil Government which is to be established at Warsaw after the entry of the Russian army.

These appointments announce a material change of system with respect to the future government of Poland.

I have, &c.

Viscount Palmerston, G.C.B.

HEYTESBURY.

No. 3.—Viscount Palmerston to Lord Heytesbury.

MY LORD,

Foreign Office, March 22, 1831.

YOUR Lordship's despatch of the 25th ultimo seems to imply that if the Russian arms should be finally triumphant in Poland, it is the intention of the Emperor to make some material change in the system of government in that country.

In an ordinary case of civil war between a Sovereign and his subjects, foreign States can have no grounds for interference, even by advice or remonstrance; but there are circumstances peculiar to the Kingdom of Poland which make it in this respect an exception to the general rule.

The Kingdom of Poland was created and attached to Russia by the Treaty of Vienna, to which most of the States of Europe were parties. That Treaty defines the relation in which Poland was to stand towards Russia, by providing that it should be attached to the Russian Empire by its constitution and should enjoy a distinct administration.

* Laid before Parliament, 1861.

His Majesty's Government are of opinion that any change which would have the effect of incorporating Poland with the Russian Empire, and of destroying its separate administration and constitution, would be a breach of the Treaty of Vienna, to which England and all the other Powers who were parties to that Treaty would have an unquestionable right to object.

His Majesty's Government, however, are disposed to believe that the appointments announced in the Ukase mentioned in your Lordship's despatch are intended to provide for the emergency of the moment, and are applicable only to the interval which must elapse between the occupation of Warsaw by the Russian troops, and the complete restoration of the Emperor's authority as King of Poland. But if your Lordship should find that there exists any intention on the part of the Russian Government to make any material changes in the political condition of Poland, you are instructed to watch those changes with the closest attention, and to remonstrate in strong terms against any measure of this kind which might not be in strict accordance with the stipulations of the Treaty of Vienna.

His Majesty's Government could not admit that the revolt of the Poles and their casting off the authority of the Emperor and King, could afford to the Russian Government any grounds for departing from the stipulations of the Treaty of Vienna.

The revolt cannot release Russia from engagements contracted with other Powers; engagements which had for their object not merely the welfare of the Poles, but the security of neighbouring States.

In order to put your Lordship more completely in possession of the views of the British Government in 1814 and 1815 upon the subject of the arrangements for Poland, of the part which was taken with regard to those arrangements by the British Plenipotentiary at the Congress of Vienna, and of the bearing of those arrangements upon the security of other States, I send your Lordship copies of various despatches received at this office in the years 1814 and 1815.

Your Lordship will see explained in these papers the importance of the advanced military position which the Kingdom of Poland presents to Russia, interposed as it is between Austria and Prussia, and at no great distance from the capitals of each.

It is obvious that this position would become more commanding, if Poland, instead of being a separate kingdom, and occupied, as by its constitution is stipulated, only by native troops, were to become a Russian province, and the Russian army were to change its permanent stations from the Niemen and the Memel to the Vistula and the Warta; such an alteration in the military attitude of Russia

must of necessity tend to give her an inconvenient ascendancy over Austria and Prussia, and might, under many conceivable circumstances, impress upon the policy of those 2 Powers a character very different from that which it might assume if free from external influence.

These considerations were felt in the year 1815, but they have acquired additional weight since that time, in consequence of the increased security which Russia has acquired on her southern and on her Asiatic frontiers, by the successes of her arms over the Turks and the Persians; because in proportion as she is free from danger of all molestation in those quarters, she may concentrate her forces for any given purpose in Poland.

His Majesty's Government are fully sensible that it is a matter of great delicacy for one Government to make any communication to another as to the manner in which it may think fit to deal with subjects who have been subdued after an unsuccessful revolt; and they have too high an opinion of the generous and high-minded sentiments of the Emperor of Russia to doubt that his victory will be used with as much moderation and mercy as may be consistent with the future security of his authority; but as far as you may find it useful and proper to touch upon this subject, you will conform your language to the sentiments entertained upon it by His Majesty's Government.

There is one other point to which I wish to direct your attention.

By Article I of the Treaty of Vienna it is stipulated that the Poles, subjects respectively of Russia, Austria, and Prussia, shall obtain a national representation and institutions regulated according to the kind of political existence which each of the Governments to which they belong shall think it useful and fitting to grant them.

It is understood that although this stipulation has been executed by Austria and Prussia, it has hitherto been entirely unfulfilled by the Russian Government. His Majesty's Government have been informed by the French Ambassador at this Court that instructions have been sent to the Duke de Mortemart to draw the attention of the Russian Government to this matter, and the French Government have expressed a wish that your Lordship might be instructed to support the Duke in his representations on this subject.

Your Lordship will, of course, be careful not to take any step on this business which could lead to any unfriendly discussions with the Russian Government, with whom His Majesty's Government are, under present circumstances, more than ever desirous of keeping up the closest relations of friendship.

But if the question should be agitated, your Lordship is instructed to state that, as far as His Majesty's Government are informed of

the facts of the case, it does not appear to them that the provisions of the Treaty of Vienna applicable to the Polish provinces of Russia have been hitherto carried into execution.

I am, &c.

Lord Heytesbury.

PALMERSTON.

No. 4.—Lord Heytesbury to Viscount Palmerston.—(Rec. April 26.)
(Extract.) *St. Petersburg, April 13, 1831.*

UPON the receipt of your Lordship's despatch of the 22nd March, I thought it advisable not to lose any time in informing Count Nesselrode of the nature of the instructions I had received, and in touching upon the several points to which my attention was directed. This I did in the order in which they stood in your Lordship's despatch, beginning with the obligations imposed upon us by the Treaty of Vienna, and the necessity in which England, as well as France, was placed to watch over the progress of the war in Poland, and to remonstrate in the event of any measures being adopted on its conclusion at variance with existing engagements. I also particularly alluded to the Special Commission lately for the Provisional Government of Poland.

Count Nesselrode observed that we could not but do the Russian Government the justice to admit that the violation of the Treaty of Vienna was entirely on the side of the insurgents, who, in proclaiming the *déchéance* of the Emperor and the independence of Poland, had virtually destroyed the act to which they owed their existence as a nation. But notwithstanding the just indignation to which such conduct naturally gave rise, the Emperor would adhere to the strict letter of the engagements he had contracted with foreign Powers by the Treaty of Vienna; and, in proof of this, his Excellency read to me a despatch addressed to Prince Lieven in the course of last month (which that Ambassador was authorized to communicate to your Lordship in case any conversation upon the subject took place), explaining the provisional nature of the Special Commission which had been appointed, and declaring that His Imperial Majesty, although by no means disposed to admit any right of interference with the internal affairs of his dominions, would hold to the strict letter of the engagements which Russia had really contracted with foreign Powers.

In answer to my allusion to the difference that would be given to the attitude of Russia by the permanent establishment of the Russian armies on the Vistula and the Warta, his Excellency observed that he could not understand why England and France should object to this, if the 2 Powers who might be supposed to be most immediately interested approved of the measure. An attempt had been made by France to alarm the Court of Vienna upon this subject,

and to engage it to join in its remonstrances to the Cabinet of St. Petersburg, but entirely without success. Count Nesselrode here read to me a despatch from M. de Tatischeff, giving an account of Marshal Maison's conversation with Prince Metternich upon the subject, and the Prince's firm and decisive answer in approbation of the Emperor of Russia's proceedings. He further told me that a similar attempt had been made at Berlin, and though he was not yet officially acquainted with the answer, he had not the slightest doubt of its being essentially the same as that of Austria. "Indeed," observed his Excellency, "what possible difference can it make to these Powers or to Europe (if the army stationed in Poland be really faithful and devoted to its Sovereign) whether it wear a Polish or a Russian uniform? If it be not faithful, and be not attached to the Emperor (as there is but too much reason to fear so long as a Polish army shall exist there), the case may, indeed, be different; but then the inference to be drawn from the demand for its continued existence must be, that the object in view is not the tranquillity of Europe, but the weakening and embarrassing of Russia, by engaging her to maintain a force upon her frontier, ready to break into open rebellion upon every favourable opportunity. If," said the Count, "we are only to retain possession of Poland upon this condition, it would be better for us to make a present of it to any Power willing to accept the offer."

I strenuously denied the justice of this inference, in as far at least as England was concerned.

With respect to the want of institutions in the ancient Polish provinces of Russia, a question upon which I was instructed to support any observations that might be made by the Duc de Mortemart, Count Nesselrode informed me that the Duc de Mortemart had held vague language to the Emperor, but had not given any official character to his conversation.

Having made known to Count Nesselrode the feelings of the British Government upon these several points, I thought it unnecessary to push the conversation further, the more particularly as the line traced out for me by my instructions was rather to watch over what was done on the submission of the Poles than to take any official steps in their favour for the moment.

Upon my opening myself to the Duc de Mortemart upon the subject, and expressing my readiness to co-operate with him to a certain extent, his Excellency confirmed what had already been stated to me by Count Nesselrode, namely, that he had not as yet considered himself bound to do more than to recall to the recollection of the Emperor, as well as to that of Count Nesselrode, the engagements taken at Vienna, and to express the hope of his Government that they would not be violated. His instructions, he said, were not

very precise, and were applicable rather to the moment of victory (which he did not think by any means arrived), when it might be attempted to give a good direction to the well-known magnanimity of the Emperor, than to the present state of things, when all was uncertainty and doubt.

The Duke then informed me that the assurances which had been given to him were perfectly satisfactory as far as they went. He had been told that the letter of the Treaty of Vienna would not be departed from; that no incorporation of the Kingdom of Poland with the Empire of Russia would take place; that the separate administration of the 2 countries would be maintained, though all the places in that administration might no longer be exclusively occupied by Poles; and lastly, that after the dissolution of the Polish army, arrangements would be made for supplying its place in a manner that would have no just ground for complaint to any foreign Power.

My conversation with Count Nesselrode enabled me to arrive pretty nearly at the same conclusions, with this addition, however, that the present constitution of Poland will be virtually, if not openly, done away with. There will be some difficulty in dealing with this question, should foreign powers be inclined to remonstrate upon it, as it does not appear that any particular form of constitution was guaranteed to Poland by the Treaty of Vienna.

Before I close this despatch, it may be proper for me to draw your Lordship's attention to the peculiar situation in which the Emperor will be placed with respect to his own people, when called upon to pronounce upon the future fate of Poland. Vast and unlimited as the Imperial power is upon ordinary occasions, history teaches us that there is a force of public opinion in this country, when strongly excited, which cannot be braved, even by the Sovereign, with impunity. If, after all the blood that has been spilt, and the treasure that has been expended, in the recovery of Poland, everything is placed again upon the ancient footing; and if no punishment is inflicted on the authors of the cold-blooded assassinations which took place in Warsaw on the first breaking out of the insurrection, I do not believe that, irritated and exasperated as this nation is, the exercise of such magnanimity will be unattended with danger. The cry of the nation may become too powerful for even the Sovereign to resist, and, in despite of himself, he may perhaps be forced into measures which his own nobler feelings—his own unbiassed judgment—would probably induce him under other circumstances to reject.

Viscount Palmerston, G.C.B.

HEYTESBURY.

P.S.—Since the above was written, Count Nesselrode has allowed me to read a despatch which he addresses to Prince Lieven, by the

present courier, commenting, but in a very friendly manner, upon the communications which I made to him by order of my Government relative to the affairs of Poland. As Prince Lieven is instructed to read this despatch to your Lordship, it will be unnecessary for me to say more than that the apparent understanding between England and France upon this subject is a much greater source of regret to this Government than anything contained in the representations I was called upon to make. Your Lordship will find this very forcibly stated in the concluding passages of Count Nesselrode's despatch.

No. 5.—Lord Heytesbury to Viscount Palmerston.—(Rec. Oct. 30.)
(Extract.) *St. Petersburg, October 1, 1831.*

As the time is fast approaching when the promulgation of the Emperor's decision with respect to the future fate of Poland may be expected, I am naturally anxious to receive from your Lordship instructions of rather a more specific and positive character than those contained in the despatch which your Lordship did me the honour to address to me on the 22nd of March last. I am therein instructed, "that if I should find there exists any intention on the part of the Russian Government to make any material changes in the political condition of Poland, I am to watch those changes with the closest attention, and to remonstrate in strong terms against any measure which might not be in strict accordance with the stipulations of the Treaty of Vienna."

Now, the stipulations of the Treaty of Vienna are of so vague and general a nature that an entire and radical change may be effected in the political condition of Poland without the violation of any one of them.

The Treaty of Vienna merely states: "*Le Duché de Varsovie est réuni à l'Empire de Russie. Il y sera lié irrévocablement par sa constitution, pour être possédé par Sa Majesté l'Empereur de toutes les Russies, ses héritiers et ses successeurs, à perpétuité. Sa Majesté Impériale se réserve de donner à cet état, jouissant d'une administration distincte, l'extention intérieure quelle jugera convenable. Elle prendra avec ses autres titres, celui de Czar, Roi de Pologne, conformément au Protocole usité, et consacré pour les titres attachés à ses autres possessions.*"

"*Les Polonais, sujets respectifs de la Russie, de l'Autriche, et de la Prusse, obtiendront une représentation et des institutions nationales réglées d'après le mode d'existence politique que chacun des Gouvernements auxquels ils appartiennent jugera utile et convenable de leur accorder.*"

In the mass of documents relating to the Vienna negotiations with which your Lordship has furnished me, I find, indeed, a great

deal of discussion upon other points, but no positive engagements taken with respect to the Kingdom of Poland, beyond that of giving to it a constitution by which it shall be bound to the Russian Empire, and that of maintaining its distinct administration.

The maintenance of a distinct administration is easily understood, and no doubt could possibly occur; in that case a remonstrance would be necessary. But a constitution, the particular forms of which are nowhere specified, is a term of the most vague signification. The word itself does not necessarily imply even a representative form of government, though that a representation was meant, may be assumed from the introduction of that term in the latter paragraph of the Article, which relates more particularly to the Polish provinces not included in the kingdom. But the simple word "constitution," means any thing or nothing. It requires definition to be comprehended.

To the constitution given to Poland after the conclusion of the Treaty of Vienna, it does not appear that the other Powers were either parties or guarantees. Indeed, it might be impossible for foreign Powers to guarantee a particular and unchangeable form of government to any country. The Emperor Alexander reserved to himself the right of giving that special constitution to Poland which he himself should consider to be best adapted to the country. Such a constitution he gave, and once given, we might perhaps be justified in holding it to be the particular form of government contemplated in the Treaty, and consequently, more or less, under our protection. But then, on the other hand, it appears that this constitution has already been altered and modified upon several occasions, without the slightest reference to foreign Powers, and without the slightest remonstrance on their part, first by the Emperor, and more recently, and more radically, by the Poles themselves, since they have thrown off their allegiance to their Sovereign. Under these circumstances, it is impossible for me to determine, without a further reference to your Lordship, to what extent modification may be carried without its being considered by the British Government to be a violation of existing engagements.

Upon the subject of a national army in Poland, after all that has passed, I am thoroughly persuaded that neither Austria nor Prussia will oppose its dissolution, the more particularly as its continued existence forms no part of the stipulations of the Treaty of Vienna; France may be more anxious upon the subject, but this will certainly render Russia immovable in her determination to disband it.

The general sentiments of the British Government on the Polish question are perfectly well known at St. Petersburg. Your Lordship's conversations with Prince Lieven, and the communications I have been charged to make here, can have left no doubt upon the subject.

I have been constantly assured in reply, that the stipulations of the Treaty of Vienna will be strictly attended to, but this assurance amounts to little or nothing, for the stipulations themselves amount to little or nothing. Yet I am not authorized to ask more, certainly not under my present instructions, and, therefore, if your Lordship should now deem it necessary to go further, it will be expedient that your intentions should be made known to me, before any arrangements shall be finally determined on. What it may be the intention of the Russian Government to do, after the final pacification of Poland, I believe nobody can exactly tell, nor is it perhaps altogether decided. But, from the reports in circulation, I am inclined to believe, that though the kingdom will be maintained in its integrity, with a distinct and separate administration, the army will be entirely disbanded, and the constitution very considerably modified. Such measures would not be any violation of the Treaty of Vienna, however much at variance with the spirit in which that Treaty was negotiated.

I have, &c.

Viscount Palmerston, G.C.B.

HEYTESBURY.

No. 6.—Viscount Palmerston to Lord Heytesbury.

MY LORD,

Foreign Office, November 23, 1831.

I HAVE received your Excellency's despatches reporting the opinion which prevails in St. Petersburg that some considerable change is intended to be made in the Constitution of the Kingdom of Poland, explaining the arguments by which that supposed intention is defended, and asking for further instructions as to the course which your Excellency is to pursue with respect to the affairs of Poland in general.

His Majesty's Government have watched with unceasing interest and anxiety the progress of the contest in Poland. These feelings have been made known to your Excellency by the several communications which you have received from me, while they have not been concealed from the representative of His Majesty the Emperor of Russia at the Court of London. You have also been apprized of the grounds upon which His Majesty's Government considered it not to be advisable to interfere directly in the contest between the Emperor of Russia and his Polish subjects.

The war being now over, and the authority of the Emperor as King being completely re-established in Poland, the time is come when His Majesty feels himself justified, both by his friendship for the Emperor of Russia and by the duty resulting from the obligations which he has contracted under the Treaty of Vienna, in addressing to His Imperial Majesty, in the most amicable tone, and with the deference which is due to his rights as an independent Sovereign, some observations as to the best mode of resettling the Kingdom of

Poland under the dominion of the Emperor, on principles accordant with those on which its union with the Imperial Crown of Russia was originally formed, and in such a manner as may be most conducive to its future good government and tranquillity.

Your Excellency has already been instructed, by my despatch of the 22nd March last, to express the confidence of His Majesty's Government that His Imperial Majesty would use his victory, when it should be obtained, with the moderation and mercy congenial with the high-minded and generous sentiments which are well known to animate the mind of His Imperial Majesty. It is, therefore, without any the slightest doubt of His Imperial Majesty's benevolent and merciful disposition, that I am commanded to instruct you to urge, whenever you may find a fit opportunity to do so, those considerations, both of humanity and policy, which cannot fail to find advocates in His Imperial Majesty's own feelings, and which would recommend the greatest forbearance and lenity in the treatment of his Polish subjects who, by the success of His Majesty's arms, have been again reduced to obedience.

Above all, your Excellency is instructed to represent to the Russian Government how much severities of any kind, not authorized by the laws and Constitution of Poland, are to be avoided. If it should appear, therefore, that there is any intention of proceeding to measures of proscription and confiscation, as has been reported, you are instructed to represent to His Imperial Majesty's Government the impolicy and injustice of proceedings that would violate the Constitution, which, according to the stipulation of the Treaty of Vienna, was granted by the Emperor Alexander to Poland, and by which it is provided that no man shall be punished except by virtue of existing laws, and no criminal banished except by process of law, and by which the penalty of confiscation is forever abolished.

His Majesty's Government, indeed, under all the circumstances of the case, would earnestly recommend a full and complete amnesty, from which those persons only should be excepted who have been guilty of the crime of assassination, and whose punishment would be effected by the ordinary course of justice.

This measure would appear to be one of the soundest policy. It could not in any degree weaken His Imperial Majesty's authority nor detract from his honour, being adopted at a moment when his power could no longer be resisted, and when such a measure could appear to be dictated only by the purest motives of benevolence and mercy. It could not fail to soothe the irritated feelings of the Poles, and to give them confidence in the Government, by preventing them from being exposed individually to vengeance; and it would do infinitely more than any harsh display of severity to reproduce

among them those feelings of obedience to the Government which are necessary to its security and peace, and which cannot be expected under a system which might keep them in a state of continued insecurity and apprehension.

In this case, therefore, generosity and sound policy appear to go hand in hand, in suggesting that in order to make the possession of Poland conducive to the strength and prosperity of Russia, it is necessary for the Russian Government to conciliate the affections of the Poles, and to obliterate, instead of perpetuating, the traces of the recent contest.

The Poles have displayed, during the late war, qualities both of intellect and courage, which prove them capable of being either useful or dangerous subjects, according to the manner in which they may be governed. It is needless to point out the resources which may be drawn from 4,000,000 of people, full of activity, enterprize, and intelligence, provided they are attached to their Sovereign, and contented with their political condition. But such a people must necessarily become a source of embarrassment and weakness if they are kept in a state of exasperation and discontent, which will only be controlled so long as no favourable opportunity shall occur to excite them into action.

Is it on the very frontier of an empire, and in contact with military neighbours, that a wise Government would wish to place such elements of danger? Is it in the very outworks of defence that a prudent administration would incur the risk of having a population disaffected to its Government, and ready to join any invader who might promise them a milder rule and a better fate?

It is, then, not more upon principles of humanity than upon a friendly regard for the interests and the honour of Russia that His Majesty's Government instruct you earnestly to press upon the Russian Government a general and complete amnesty; an act which is understood to have been spontaneously offered by the Emperor on more than one occasion during the war, and which His Majesty's Government have reason to believe is also recommended by other allies of His Imperial Majesty.

Your Excellency was instructed in a former despatch to state that His Majesty's Government could not see with indifference the Poles deprived of the advantages which had been secured to them by the Treaty of Vienna. These advantages consisted in the stipulation that a Constitution should be granted to them, and in the Constitution which, in consequence of that stipulation, they afterwards received from the Emperor Alexander.

His Majesty's Government is not unmindful of the arguments which you state to have been adduced to prove that the Polish Constitution is in no degree identified with the Treaty of Vienna;

but the validity of this reasoning cannot, as it appears to them, be maintained.

The Treaty of Vienna declared that the Kingdom of Poland should be attached to Russia by its Constitution. A Constitution the Emperor of Russia accordingly gave; and it surely is no forced construction of the meaning of that Treaty to consider the Constitution so given as existing thenceforth under the sanction of the Treaty. But it is argued, that the same Power which gave may modify or take away. This, however, is an assertion for which no proof is afforded. The Constitution once given, became the link which, under the Treaty, binds the Kingdom of Poland to the Empire of Russia; and can that link remain unimpaired, if the Constitution should not be maintained?

Had the Constitution reserved to the Sovereign a right to change or modify, no objection could then have been made to the exercise of a power which would legally have been his. But the Constitution carefully guards against any such acts of executive authority. It declares (Article XXXI) that the Polish nation shall for ever possess a national representation, consisting of a Diet, composed of a King and 2 Chambers; it declares (Article CLXIII) that the Organic Statutes and the Codes of Laws cannot be modified or changed, except by the King and the 2 Chambers: it requires (Article XLV) that every King of Poland shall swear before God, and upon the Scriptures, to maintain the Constitution, and cause it to be executed to the best of his power; and the Emperor Alexander on the 27th November, 1815, formally gave this Constitution, and declared that he adopted it for himself and for his successors.

Such are the provisions of the Constitution, which points out the authority by which any change or modification is to be made; and changes arbitrarily effected by the executive authority alone would obviously be violations of the Constitution.

It appears that some persons suppose the intention of the Russian Government to be to abolish the present form of Government in Poland, consisting of a Diet composed of a King and 2 Chambers, and to substitute for the Chambers Provincial States such as those which have been established in Galicia and in some of the provinces of Prussia: and it is argued that such a change would still leave to Poland a Constitution sufficient to satisfy the stipulations of the Treaty of Vienna. But could such a form of government, fairly, and according either to the letter or the spirit of the Treaty of Vienna, be considered as placing Poland in the situation which was thereby contemplated? That Treaty clearly appears to draw a marked distinction between the system of government to be established in those parts of Poland which had been annexed as provinces to Austria, Prussia, and Russia, and had been incorporated in their respective

dominions, and that part which was to form the separate Kingdom of Poland, and which was to be placed, as such, under the same Sovereign as Russia, and secured in the enjoyment of its distinct rights and privileges.

In the former provinces, accordingly, the grant of Provincial States was perfectly in accordance with the rights to be exercised by the Sovereign over provinces that were incorporated with his other dominions; while the Constitution given to the Kingdom of Poland was suited to the separate and distinct position in which it was placed in its relation to the Russian Empire.

But in the separate Kingdom of Poland, united according to the Treaty of Vienna by its Constitution with the Crown of Russia, to abrogate that Constitution, and to substitute provincial States, expressly modelled after those which had been granted to the incorporated provinces of Austria and Prussia, would be, in effect, to reduce that Kingdom, though still nominally possessing a separate existence, to the state and condition of a province, deprived of all the rights, and excluded from all the advantages which had been secured to it.

It cannot be admitted that the revolt of the Poles, and their violation of the Constitution by voting the separation of Poland from the Crown of Russia, can absolve the Emperor, after his authority has been re-established, from his obligation to adhere to that Constitution. Wrongs committed by one side are not to be punished by the commission of wrongs on the other. From the submission of the Poles to the arms of His Imperial Majesty, Europe looks for the re-establishment of law and justice, and not for acts of retaliation and vengeance; since whatever excuse such acts may find in the troubles of an intestine war, they could not be palliated if resorted to by a Power which has subdued all opposition, and which cannot plead for its measures the necessity of any pressing emergency.

It has often been stated in the Proclamations which have been issued by the Russian Government from time to time during the war, that only a part of the Poles had joined in the revolt, and that the majority of the nation remained faithful. If that be so it affords a strong argument for not punishing the innocent for the offences of the guilty, by depriving all of the advantages which the Constitution confers upon them.

If, on the contrary, the whole of the nation should appear to have partaken in the revolt, such a general insurrection could only have proceeded from deeply-seated discontent, and such a feeling is not likely to be removed by a sweeping abrogation of the Constitution.

In pressing these considerations upon the Russian Government, your Excellency will be careful that while, on the one hand, you urge, as far as possible, the arguments which have been suggested,

you do not, on the other, depart from that tone of friendly representation which is suited to the amicable relations existing between Great Britain and Russia.

I am, &c.

Lord Heytesbury.

PALMERSTON.

No. 7.—Lord Heytesbury to Viscount Palmerston.—(Rec. Jan. 18.)

MY LORD,

St. Petersburg, January 2, 1832.

THE answer of the Russian Government upon the Polish question is such as I feared it would be, namely, a refusal to admit our interpretation of the Treaty of Vienna, and a determination to persevere in the arrangements previously announced.

The despatch to Prince Lieven in which this answer is conveyed, was given to me to read by Count Nesselrode this evening. It will be sent off by a messenger to-morrow, who will also be the bearer of this despatch. It will, no doubt, give your Lordship great regret to observe the little effect produced by your arguments. Those with which I endeavoured to support them have proved equally unsuccessful. There is an instinct of self-preservation stronger than all the arguments in the world, and against which no reasoning can prevail. This Government is persuaded that its own security depends upon the suppression of privileges, which already in fifteen short years have borne such bitter fruit, and your Lordship may be assured that nothing short of positive inability will prevent their suppression, in so far, at least, as it can be done without any direct violation of the strict letter of the Treaty of Vienna.

The despatch to Prince Lieven (which he will receive orders to communicate to your Lordship) is, however, courteous and friendly in its tone, though firm and positive in its rejection of our suggestions, and clearly expressive of the hope that they will be the last. All the arguments of your Lordship's despatch are recapitulated and replied to in detail; and these replies are based upon the same chain of reasoning which I have already had the honour of detailing to your Lordship upon more than one occasion. But the real motives which led to the rejection of our suggestions are not those put most prominently forward, nor, indeed, are these more than obscurely hinted at in Count Nesselrode's despatch, which is principally occupied with explanations of the engagements contracted by the Treaty of Vienna. They are, however, very easily summed up. In the first place, it is believed that no measures of conciliation or favour would ever reconcile the higher classes in Poland to Russian dominion; 2ndly, that a restoration of privileges, therefore, would only be the restoration of the powers of resistance; and, 3rdly, that even if means could be found to paralyse those powers, the peaceable co-existence for any long period, and under the same sceptre, of

absolute government in Russia, and constitutional liberty in Poland, would be impossible.

These are, I apprehend, the real motives for the refusal to listen to our arguments. The question is a question of life or death to this Government. It feels it to be so; the public at large feel it to be so; and the refusal will, I fear, be steadily persisted in, let the consequences be what they may.

It must not, however, be concluded that our efforts in favour of the Poles have been entirely thrown away. It will be sufficient to cast our eyes towards the Russo-Polish provinces not included in the Kingdom of Poland, and, consequently, out of the reach of foreign intervention, to be convinced of the contrary. In the Kingdom of Poland, setting out of the question those accused of assassination and the officers of the 3 corps of Kaminski, Rybinski, and Ramorino, who form a class apart, and who are now gradually returning to their homes, upon consenting to renew their oaths of allegiance, there are not above 20 individuals excluded from the amnesty, or who will suffer for their political conduct. But in the Russo-Polish provinces incorporated with the Empire, confiscation of property, exile, or deportation to Siberia are the general lot. Not an individual has been suffered to escape who took any active part in the Revolution. This different measure of punishment, though it speaks little, perhaps, in favour of the clemency of this Government, shows clearly the effect of foreign intervention. We may not have gained much; but we, at least, have the consolation of reflecting that the course pursued would have been infinitely more severe had we not taken the line we did.

I have, &c.

Viscount Palmerston, G.C.B.

HEYTESBURY.

No. 8.—Count Nesselrode to Prince Lieven.—(Communicated to Viscount Palmerston by Prince Lieven, January 18, 1832.)

MON PRINCE,

St. Pétersbourg, le ^{22 Décembre 1831}
3 Janvier, 1832.

PAR mon expédition du $\frac{3}{18}$ Décembre, j'ai eu l'honneur d'entretenir préalablement votre Altesse de l'objet des communications que Lord Heytesbury venait de nous adresser, par ordre de sa Cour, relativement aux affaires de Pologne. Ayant depuis pris les ordres de l'Empereur je me trouve à même de vous faire connaître, mon Prince, le point de vue sous lequel Sa Majesté envisage ces communications.

Elles se divisent en 2 parties distinctes. Ce sont d'abord des conseils bienveillants, offerts à l'Empereur sur les moyens les plus propres à calmer les esprits en Pologne, à leur inspirer de la confiance, à effacer, en un mot, les traces de la lutte sanglante à laquelle la victoire des armes Russes vient de mettre un terme, et en second

lien, quelques observations sur l'interprétation des Articles du Traité de Vienne auxquels le Royaume de Pologne doit son existence.

En nous adressant ces observations et ces conseils, le Cabinet Britannique a reconnu combien était délicate la tâche qu'il a cru devoir s'imposer. Aussi son langage dans cette circonstance est-il empreint de tous les ménagements que l'amitié a pu inspirer, et des justes égards auxquels l'Empereur était en droit de s'attendre. Sa Majesté Impériale y a été sensible, et elle y a trouvé un motif de m'autoriser à répondre en détail aux communications de Lord Heytesbury, bien que nos déclarations antérieures auraient dû ne laisser aucun doute sur les sentiments et les intentions de l'Empereur à l'égard des affaires de Pologne. Votre Altesse a été plus d'une fois dans le cas d'assurer, de la manière la plus formelle, les Ministres de Sa Majesté Britannique que l'Empereur n'a jamais eu, ni ne saurait avoir, la pensée de s'écarter des stipulations du Traité de Vienne, mais qu'il est fermement décidé à ne point admettre d'intervention étrangère dans des questions qui sont exclusivement de son ressort. Ce que nous demandions en même temps, c'est une interprétation loyale et équitable des Articles du Traité qui déterminent le mode d'existence du Royaume de Pologne. Or, nous voyons à regret que celui de ces Articles qui stipule que le Royaume de Pologne sera lié à la Russie par sa Constitution à donné lieu, même dans le Cabinet Britannique, à des conclusions sur lesquelles nous ne saurions partager son opinion. Pour peu qu'on veuille examiner cette clause avec impartialité, on se convaincra qu'elle n'a été insérée dans le Traité que pour exprimer que l'union du Royaume à la Russie doit être le principe fondamental et la condition de sa nouvelle existence. Cette clause n'impose donc à la Russie d'autre obligation que celle de maintenir l'union que le Traité avait formée. S'il avait été de l'intention des Parties Contractantes de stipuler en faveur du Royaume une charte spéciale, et de la lui garantir, nul doute qu'une telle stipulation n'eût été conçue d'une manière plus explicite et plus formelle. Loin de là, on s'est borné dans un paragraphe subséquent, à assurer aux Polonais sujets respectifs de Russie, d'Autriche, et de Prusse, des institutions nationales, en réservant à chacun des 3 Gouvernements la faculté de les régler selon qu'il le jugerait utile et convenable. La Constitution que dans sa magnanimité l'Empereur Alexandre de glorieuse mémoire accorda au Royaume, ne fut donc point une conséquence du Traité de Vienne, mais une acte spontané de son pouvoir souverain. Postérieure par sa date aux transactions du Recès, elle n'en fait point partie, et leur garantie ne s'étend point à elle. Si la Constitution de Pologne avait été donnée en exécution du Traité de Vienne, les Puissances Contractantes auraient eu le droit d'en prendre connaissance, et de s'assurer qu'elle répond aux engagements contractés par la Russie. Aucune d'elles n'a

réclamé ce droit, ni ne pouvait le réclamer légalement. Toutes ont reconnu au contraire, soit explicitement, soit par leur silence, qu'en octroyant cette Constitution à ses nouveaux sujets, l'Empereur avait suivi l'impulsion de sa libre volonté.

En envisageant la question sous ce point de vue, l'on conviendra que puisque les Polonais ont eux-mêmes, par leur rébellion et leur décret de déchéance, annulé la Constitution du Royaume, rien n'oblige l'Empereur de la rétablir, et que Sa Majesté Impériale se trouve, au contraire, replacée dans la situation facultative où était son auguste prédécesseur lorsque, aux termes du Traité de Vienne, il avait encore à choisir le mode d'existence politique qu'il jugerait utile et convenable d'accorder à ses nouveaux sujets Polonais. Sous ce rapport, les engagements que la Russie a contractés sont les mêmes pour les 3 Puissances, et il serait difficile de prouver que l'Empereur fut tenu envers le Royaume de Pologne à des concessions que n'ont pas obtenues la Galicie ni le Grand Duché de Posen.

Nous avons dit plus haut, mon Prince, que la Constitution Polonaise a été annulée par le fait de la rébellion. Aurions-nous besoin de le démontrer ? Il est connu que de Gouvernement à Gouvernement les Traités et Conventions librement consentis de part et d'autre, sont anéantis par l'état de guerre, et ont besoin d'être renouvelés, ou de moins expressément confirmés à la paix. A plus forte raison il en est ainsi d'un acte qui n'est point bilatéral, d'un acte accordé par un Souverain à ses sujets, et dont la première condition est l'obéissance et la fidélité de ceux-ci. A plus forte raison, dis-je, un pareil acte se trouve annulé par l'état de guerre, lorsque la guerre est forcément amenée, à la suite de l'insurrection et de la trahison.

Ceci répond, mon Prince, aux citations que Lord Palmerston a cru devoir faire de divers Articles de la Constitution Polonaise, pour en déduire l'obligation où serait l'Empereur de la rétablir. Frappée de nullité dans son ensemble, elle l'est aussi dans chacune de ses stipulations, et nous ne saurions, par conséquent, accorder aucune valeur aux différentes clauses que l'on voudrait encore en invoquer.

En traitant cette question le Ministère Britannique a distingué, ainsi que nous l'avons observé plus haut, l'examen des Traités existants d'avec les considérations qui lui semblent fondées sur les convenances politiques. Nous croyons avoir montré que dans les arrangements qui concernent la Pologne, l'Empereur ne s'écarte pas des Traités, mais que ceux-ci ne renferment aucune stipulation qui puisse être invoquée pour le rétablissement de la Constitution Polonaise. Les arguments que nous avons développés ne sont pas nouveaux. L'Autriche et la Prusse les ont fait valoir avant nous, et le Ministère Britannique aura pu se convaincre, par la langage que ces 2 Puissances ont prescrit à leurs Représentants à Londres et à Paris, qu'il existe relativement à l'interprétation et à l'application du Traité

du ^{31 Avril,}_{3 Mai,} 1815, une entière uniformité de vues et de principes entre les 3 Cours qui en sont spécialement les Parties Contractantes.

Pour ce qui est des convenances politiques, rien de plus judicieux, sans doute, que les considérations dans lesquelles le Ministère Anglais a cru devoir entrer ; rien de plus amical que les conseils qui en découlent. L'Empereur se plaît à en offrir ses remerciements au Cabinet de Sa Majesté Britannique, mais il se flatte que ce Cabinet ne se refusera point à vouer de justes égards à la position du Gouvernement Impérial, et aux devoirs qu'elle lui impose. Les questions dont il s'agit touchent trop directement aux intérêts de sa Couronne, et à ceux de son Empire, pour que Sa Majesté Impériale ne croie, avant tout, devoir consulter ces mêmes intérêts, dans les déterminations qui lui restent à prendre.

Ce n'est pas pour infliger aux Polonais un châtiment bien mérité, sans doute, que l'Empereur a résolu de ne plus faire revivre une Constitution qu'ils ont eux-mêmes foulée aux pieds, mais parceque l'expérience a prouvé que cette Constitution n'est pas le moyen le plus propre à assurer la tranquillité, et, par conséquent, le bonheur du pays ; que loin d'avoir pu prévenir les désastres dont la Pologne a été le théâtre, c'est elle qui a, pendant 15 ans, alimenté parmi les Polonais cet esprit inquiet et remuant que la première étincelle a fait éclater en révolte ouverte. Or, nous laissons les Ministres Anglais juger eux-mêmes, s'il serait prudent et d'une saine politique de laisser subsister des institutions qui ont si peu répondu aux vues bienfaisantes de leur auguste fondateur, et dont il a été fait un si criminel abus.

Pour ce qui regarde l'appel que le Cabinet Britannique fait aux sentiments de clémence et d'humanité de notre auguste Maître, Sa Majesté y a répondu d'avance par le manifeste d'amnistie du 20 Octobre. Tous nos allies, mon Prince, ont applaudi à cet acte. La France seule avait cru devoir insister sur une amnistie générale, sans exception aucune. Mais elle paraît être revenue depuis à des dispositions plus équitables. Peut-être le Gouvernement Français reconnaîtra-t-il avec le temps, qu'il est dans son propre intérêt que la révolte ne reste pas impunie, et qu'il se consolide et se fortifie lui-même en raison de l'affaiblissement du parti Révolutionnaire en France comme dans d'autres pays.

Tels sont les arguments que nous opposerions, mon Prince, aux suggestions que renferment les communications du Ministère Anglais par rapport à une amnistie pleine et entière. Nous aimons à croire d'ailleurs, que ce Ministère n'y insistera pas plus que celui du Roi Louis Philippe, et qu'il jugera même avec plus d'impartialité les actes du Gouvernement Impérial.

Tous les efforts et tous les soins de l'Empereur tendent à amener la pacification morale du royaume, c'est-à-dire, à calmer les esprits, à

faire cesser les irritations, suite nécessaire d'une lutte sanglante et désastreuse, et à amener graduellement une réconciliation sincère entre 2 peuples réunis sous le même sceptre. Sa Majesté Impériale nourrit le juste espoir qu'à l'aide de la Divine Providence elle remplira cette tâche salutaire; mais ce qui doit en retarder l'accomplissement, entretenir une certaine agitation parmi les Polonais, encourager les coupables espérances de ceux qui persistent dans leur opposition au Gouvernement légitime, c'est l'intervention étrangère dans les affaires de la Pologne, c'est l'inquiète surveillance que l'on exerce sur ce qui se passe dans ce pays, la fausse interprétation que l'on donne aux Traités, c'est le droit de patronage que l'on paraît vouloir s'attribuer sur ceux des Polonais qui sont exclus de l'amnistie, ou qui en repoussent les bienfaits. Ce déplorable système que la propagande a fait adopter en France, et qui depuis a été imité dans plus d'un pays, a déjà eu les plus funestes conséquences pour le Royaume de Pologne. Il est en grande partie la cause de l'opiniâtre résistance des Polonais, qui a prolongé la lutte au delà de tous les calculs. Il peut encore faire un mal infini, si les Gouvernements ne cherchent pas, au moins par leur exemple, à paralyser les effets d'une tendance qui se manifeste si généralement, s'ils ne consentent pas à s'en remettre de bonne foi pour le sort futur du Royaume de Pologne à la sagesse et aux sentiments de l'Empereur, à la connaissance qu'il doit avoir lui-même des vrais intérêts de son Gouvernement et de ses peuples, au respect qu'il a sans cesse professé pour les Traités existants, enfin, à la sollicitude que lui inspirent le bonheur de ces sujets, la réparation des maux qu'une époque de désastres leur a causés, et le besoin d'en prévenir à jamais le retour.

C'est surtout de la part du Gouvernement de Sa Majesté Britannique que notre auguste maître croit pouvoir s'attendre à ce témoignage de confiance et d'égards. La marche politique de son Cabinet, dont l'Angleterre a tant de fois été à même d'apprécier la franchise et la loyauté, en donne le droit à Sa Majesté Impériale. D'autre part, le Gouvernement Britannique ne se trouve pas dans la fâcheuse nécessité d'obtempérer aux exigences d'un parti qui ne cherche qu'à troubler les relations amicales entre les Puissances et à parvenir ainsi au but de ses efforts, c'est-à-dire, à un bouleversement général. Ce Gouvernement usera donc de sa force pour se maintenir sur la ligne de conduite que lui tracent ses principes de justice et la sagesse de ses conseils. Par une suite nécessaire, il respectera les droits de l'Empereur dans la plus juste des causes.

Nous venons de nous expliquer, mon Prince, avec une entière franchise sur l'objet des communications que Lord Heytesbury nous a faites par ordre de sa Cour. Nous le devons aux liens d'amitié qui unissent les 2 Gouvernements, et que l'Empereur aimera toujours

à cimenter. Nous le devons surtout au caractère amical qui a présidé à ces communications. Mais Sa Majesté Impériale croit pouvoir se flatter que nos explications seront de nature à satisfaire le Gouvernement Britannique, et que c'est pour la dernière fois qu'elle se trouve dans le cas de s'expliquer sur des questions dont elle seule est appelée à connaître. Sa Majesté le désire d'autant plus vivement qu'elle met un prix infini à rendre de plus en plus intimes ses relations avec le Gouvernement Britannique, et qu'il lui importe d'en écarter tout ce qui pourrait leur nuire.

Votre Altesse voudra bien exprimer ce vœu à Lord Palmerston, en lui communiquant le contenu de la présent dépêche.

Recevez, &c.

M. le Prince Lieven.

NESSELRODE.

No. 9.—Lord Heytesbury to Viscount Palmerston.—(Rec. Jan. 24.)
(Extract.) *St. Petersburg, January 4, 1832.*

IN looking over the despatches which I had the honour of forwarding to your Lordship by the Russian courier who left St. Petersburg yesterday, it appears to me that I have not sufficiently explained how far this Government intends to carry the suppression of the privileges enjoyed by the Poles previously to the late revolution. It may be right, therefore, to state that, according to the information I have received, there exists no intention of making any other change in the political condition of Poland besides that of substituting Provincial Assemblies for the former General Diet, and that of disbanding its army. The Provincial Assemblies will be modelled upon those established in the Grand Duchy of Posen, which are understood to be rather of a more liberal form than those of Galicia. They will, however, be very far from presenting any sort of analogy with the Diet it is proposed to abolish.

Viscount Palmerston, G.C.B.

HEYTESBURY.

No. 10.—Viscount Palmerston to Lord Heytesbury.

MY LORD,

Foreign Office, March 12, 1832.

VARIOUS circumstances have prevented me from sooner transmitting to your Excellency the inclosed copy of a despatch from Count Nesselrode upon the affairs of Poland, which was communicated to me by Prince Lieven on the 18th of January last, and which contains the answer of the Russian Cabinet to the despatch which I addressed to your Excellency on the same subject on the 23rd November, 1831.

The friendly tone of Count Nesselrode's despatch, and the expressions which it contains of confidence in the principles and intentions of the British Cabinet, are most satisfactory, as proving

that the reciprocal sentiments of the 2 Governments are the same, and that the Russian Minister has justly appreciated the spirit of friendship and good-will which dictated the observations contained in my despatch to your Excellency of the 23rd November.

His Majesty's Government, indeed, in instructing you to make that communication, could not forget that it was addressed to an independent and friendly Government. In stating, therefore, plainly and without reserve, their deliberate and fixed opinions upon the true interpretation of a Treaty to which Great Britain is a Contracting Party, they were anxious to discharge that duty in a manner which should leave no doubt of their being actuated by all the deference and respect to which every independent State is entitled, but which are so peculiarly and eminently due to the personal character of His Majesty the Emperor of Russia.

His Majesty's Government is fully sensible of the delicacy of the questions at issue, involving, as they do, the relations between a Sovereign and his subjects; matters upon which, under ordinary circumstances, and when those relations are not interwoven with the stipulations of Treaties, the most well-meant and friendliest interposition must at best be of doubtful expediency.

Having, therefore, distinctly expressed its sentiments, His Majesty's Government might have deemed it unnecessary to make any reply to the despatch of Count Nesselrode, were it not that from a passage towards the conclusion of that despatch, there seems reason to apprehend that the silence of his Majesty's Government might be liable to misinterpretation, and might be construed as implying that the explanations given in that despatch were entirely satisfactory to His Majesty's Government.

However deep, therefore, may be the anxiety felt by His Majesty's Government to render more and more intimate the relations of confidential friendship which unite the 2 Governments, and to avoid, as far as possible, every subject of discussion by which those relations might be affected, yet His Majesty's Government cannot, in justice to themselves, allow any doubt or uncertainty to exist as to their opinions upon a matter of so much interest and importance.

It is essential, then, that your Excellency should State that His Majesty's Government, after giving the most attentive consideration to the arguments used in Count Nesselrode's despatch, are still of opinion that the reasoning contained in my despatch of the 23rd November, 1831, with respect to the engagements and sanctions by which the Polish Constitution was secured, has not been satisfactorily answered.

It is not necessary for the present purpose that I should enter into any detailed reply to Count Nesselrode's statement, but there

are one or two passages which bear upon important points, and upon which a few remarks appear to be required.

In my despatch of the 23rd November, 1831, I endeavoured to show that, by the words of Article I of the Treaty of Vienna, a marked distinction was made between the system of government to be established in the Kingdom of Poland, and that of the Polish provinces incorporated with Austria, Prussia, and Russia; and I argued that a change which would have the effect of reducing the separate Kingdom of Poland to the same administrative condition with the incorporated provinces, could not be consistent, either with the spirit or the letter of the Treaty. His Majesty's Government cannot admit the validity of the answer given by Count Nesselrode to this argument. He contends that the stipulation which provides that Poland should be united by its Constitution had no meaning, except to express that union with Russia should be the fundamental principle of the existence of Poland. But if this had really been the only object of that clause, why were the words "by its Constitution" inserted, seeing that, in that case, it would have been sufficient and more plain, to have declared simply that Poland should be inseparably united with Russia.

Count Nesselrode, however, states that no specific Constitution having been stipulated for the Kingdom of Poland, the Emperor retained the right of granting to it such charter as he might please; and this the Count asserts to be corroborated by the subsequent paragraph, which declares that the incorporated provinces shall receive such national institutions as their respective Sovereigns shall think fit to give them. He then goes on to assert that the Polish rebellion has annulled the Constitution, and has restored to the Emperor the discretionary power which his august predecessor possessed, when, according to the terms of the Treaty of Vienna, he still had to choose the mode of political existence which he might judge fit to grant to his new Polish subjects. On this assumption, Count Nesselrode proceeds to say that the engagements of Russia are the same as those of Austria and Prussia; and that it would be difficult to show any obligation on the part of the Emperor to make to the Kingdom of Poland, concessions which have not been obtained by Gallicia and the Duchy of Posen.

A slight attention to the words of Article I of the Treaty will show the want of logical connection in this series of deductions. In the beginning of the passage which has been referred to, words which apply solely to the incorporated provinces, are quoted simply as illustrating the meaning of other and preceding words, which apply solely to the kingdom of Poland. Further on, the first-mentioned words are insensibly separated from the object to which they are

applied in the Treaty, and are transferred to an object to which they do not belong. The terms which in the Treaty relate to the old Polish subjects of Russia are incorrectly represented as applying to her new Polish subjects ; and this erroneous basis being thus established, there is immediately founded upon it the mistaken conclusion that the engagements of Russia, with respect to the kingdom, are the same with those of Austria towards Gallicia, and of Prussia towards Posen. This position, if granted, would lead to the inference that, consistently with the Treaty, the kingdom might be incorporated, as a province, with the Russian Empire ; an assertion evidently inconsistent with the admitted object of the Treaty, and for which the Russian Government do not even contend.

With regard to the argument that because war between 2 separate States dissolves Treaties, therefore a civil contest between a Sovereign and his subjects annuls the Constitution of the country in which that contest may take place, His Majesty's Government must still contend that the view of this matter which was taken in your instructions of November last was more correct, and more conformable with reason and justice, especially in a case in which abstract rights are mixed up with conventional agreements.

Count Nesselrode, indeed, states that the view which the Russian Government takes of the Treaty of Vienna is shared also by the Governments of Prussia and Austria, and that there is, on this subject, an entire uniformity of views and principles between the 3 Courts which are specially the Contracting Parties to the Treaty of the ^{21st April,}_{3rd May,} 1815.

Upon this it is to be observed, that the Treaty here quoted is not the Treaty upon which the arguments of His Majesty's Government are founded. The Treaty, or rather the Treaties, for there were 2 of the ^{21st April,}_{3rd May,} 1815, were between Russia and Austria, and Russia and Prussia. To those Treaties Great Britain was not directly a Contracting Party. The Treaty to which His Majesty's Government have appealed is the Treaty of the 9th June, 1815, and to that Treaty His Majesty's Government cannot admit that Austria, Prussia, and Russia were Contracting Parties in a greater or more special degree than the other Powers who signed it.

It is hoped that upon reflection the Russian Government cannot fail to see all the inconvenient and dangerous consequences which would flow from thus establishing different degrees of obligation among the Powers who have equally signed a general Treaty. It is certainly true, that the 3 Powers in question are specially interested in the execution of Article I of the Treaty of the 9th of June, 1815 ; but that very circumstance would, perhaps, rather lead them to examine with more peculiar attention the bearing and interpretation

of that Article, and candidly to weigh the construction which may be put upon it by those of their Allies whose interests it does not so directly and immediately affect.

Having explained, in the outset of this despatch, the reasons which have led His Majesty's Government to think it to be necessary, I have only further to instruct your Excellency, in communicating its contents to Count Nesselrode, to convey to his Excellency renewed assurances of the earnest desire of His Majesty to maintain the closest relations of friendship and alliance with His Majesty the Emperor of Russia.

Lord Heytesbury.

PALMERSTON.

No. 11.—Viscount Palmerston to Lord Durham.

(Extract.)

Foreign Office, July 3, 1832.

It is impossible to give your Lordship instructions for your guidance without adverting to the subject of Poland.

You will find in the archives of the Embassy a record of the opinions of His Majesty's Government upon the proceedings of Russia with respect to Poland, and of the manner in which those opinions have at different times been communicated to the Russian Government. Those opinions remain unaltered. His Majesty's Government think that Russia was not justified by the Polish insurrection in depriving the Kingdom of Poland of that Constitution which the Emperor Alexander had granted, and which the Emperor Nicholas had sworn to maintain. His Majesty's Government think that the abrogation of that Constitution was inconsistent with the true spirit and meaning of the Treaty of Vienna, and that Great Britain, as a party to that Treaty, is entitled to object to that abrogation, and to protest, as she has done, against it.

If the view which Her Majesty's Government takes of that question had been shared by Austria and Prussia, as it was by France, the representations of the 4 Powers would probably have been attended with success; but Austria and Prussia having concurred with Russia in her interpretation of the Treaty of Vienna, and having approved of the changes which the Russian Government proposed to make in the Polish Constitution, it was evident that the remonstrances of Great Britain and France could not be effectual unless they had been supported by a threat of war—a threat to the execution of which so many obstacles were opposed both by the general state of Europe and by the negotiations in which, in concert with Russia, Great Britain has been, and still is, engaged.

In adverting, therefore, to the affairs of Poland, great delicacy and caution will be required. It would be inconsistent with the power and dignity of the British Empire to insist too strongly upon points which, from the considerations stated above, it might be

inexpedient, if not impossible, to enforce by arms. On the other hand, His Majesty's Government cannot be expected to see measures taken which they believe to be at variance with the true spirit of the Treaty of Vienna, and which have excited so strong a feeling in Europe, without a clear though amicable expression of their opinion upon them.

Your Lordship is, therefore, instructed to treat the abrogation of the Constitution of Poland as a measure which His Majesty's Government deeply regret, as inconsistent with the true construction of the Treaty of Vienna, and as injurious to the interests of Russia herself. You will refer at the same time to the representations already made upon this subject by Her Majesty's Ambassador at the Court of St. Petersburg, but you will not press this matter in such a manner as, without producing any benefit to Poland, would incur the hazard of increasing the difficulties already existing on the various subjects to which your attention has been called in this despatch.

The Treaties of 1815, to which Russia was a party (not only the General Act of the Congress of Vienna, but the separate Treaty between Russia and Prussia), clearly stipulate that the nationality of the Poles shall be preserved. But statements have reached His Majesty's Government which, if true, tend to show a deliberate intention on the part of the Russian Government to break down the nationality of Poland, and to deprive it of everything which, either in outward form or in real substance, gives to its people the character of a separate nation.

The abolition of the Polish colours; the introduction of the Russian language into public acts; the removal to Russia of the national library, and public collections containing bequests made by individuals upon specific condition that they never should be taken out of the Kingdom of Poland; the suppression of schools and other establishments for public instruction; the removal of a great number of children to Russia on the pretence of educating them at the public expense; the transportation of whole families to the interior of Russia; the extent and severity of the military conscription; the large introduction of Russians into the public employments in Poland; the interference with the National Church;—all these appear to be symptoms of a deliberate intention to obliterate the political nationality of Poland, and gradually to convert it into a Russian province.

It is evident, upon the slightest reflection, that such a project could not be accomplished. To change 4,000,000 of Poles so entirely as to impart to them the character of Russians is an attempt for the success of which it would be difficult to assign a limit, either of time or perseverance. But the endeavour would lead to a severe and continued exertion of arbitrary power, which would create a strong

and general feeling against Russia, and must be regarded as a decided violation of the engagements contracted by Russia at Vienna in 1815.

Your Lordship will endeavour to obtain accurate information as to what is true on these points, and if you should find that the reports which have reached His Majesty's Government are well founded, you will take every favourable opportunity of urging the Russian Government, on the part of His Majesty, with the earnestness, and at the same time with the freedom of a sincere friend, to adopt a milder and juster system; founding yourself upon the Treaty of Vienna, as the basis upon which rests the right of His Majesty to interpose this expression of his feelings on the affairs of Poland.

It is unnecessary to remind your Lordship that it is of great importance, not only for the accomplishment of the various objects pointed out in these instructions, but also for the permanent interests of Great Britain, to cultivate and to increase, if possible, the friendly relations now so happily subsisting between this country and Russia. Your Lordship, therefore, will use your discretion as to the manner of pressing the various topics to which I have adverted, so as to produce the greatest possible effect, giving, at the same time, the least possible offence; and your Lordship will omit no proper opportunity of assuring the Emperor of the sincere and cordial friendship which His Majesty entertains for His Imperial Majesty, and of declaring His Majesty's desire to maintain, and, if possible, to draw closer the bonds of alliance which connect 2 Powers whose union must have so salutary an effect in preserving the peace of the world.

Lord Durham.

PALMERSTON.

No. 12.—Lord Durham to Viscount Palmerston.—(Rec. September 3.)
(Extract.) *St. Petersburg, August 22, 1832.*

THE only subject contained in my instructions respecting which I have not as yet communicated with your Lordship is that of Poland.

Considering it one of great difficulty and delicacy, I thought it most advisable not to take any steps upon it hastily, or, indeed, to allude to it at all with Count Nesselrode, until I had some opportunities of convincing both him and the Emperor of the friendly feeling towards Russia which had dictated the appointment of this Embassy by His Majesty, and until I had been enabled to acquire, as I trust I have, his good-will and confidence.

In the meantime I examined the archives of the Embassy here, for the purpose of ascertaining exactly the nature and extent of the

representations which had been previously made to this Government on the subject.

The result of this examination I forward to your Lordship in the inclosed abstract, by which it appears that not only have we constantly and firmly remonstrated against the measures which have been adopted in Poland by this country as contrary to the Treaty of Vienna, to which we were parties, but that, during the course of the war which preceded the adoption of those measures, we never ceased to make such representations to the Cabinet here as would, if they had been listened to, have prevented any infraction whatever of the letter or spirit of that Treaty.

It appears, also, that when, contrary to our remonstrances, the Polish Constitution was abrogated, we entered our formal protest against the measure, as being, in our opinion, contrary to the provisions of the Treaty of Vienna.

The correctness of this interpretation was denied by this country, by Austria, and Prussia, and affirmed by France; and with this protest and affirmation on the one side, and justification and denial on the other, the discussion closed on the 6th of April of this year.

It seemed to me that, unless we were prepared to enforce our view of the case by an appeal to arms, it was useless formally to re-open a subject on which no new facts had been elicited which could tend to alter the determination previously taken by Russia, and formally announced to us.

I knew that neither my Sovereign nor his Ministers were ever prepared to enter into a war in order to enforce our interpretation of the Treaty; that, if they had been, the time for that military interference was long passed; and I felt certain, moreover, that at no time would the Parliament of England have sanctioned such a war, whatever might have been the feelings excited and the sympathy expressed from the knowledge of the events which have so unfortunately taken place in that wretched country.

For these reasons I determined not to deliver in any formal note to Count Nesselrode, knowing that if I did I should only receive a repetition of the formal denial of the justice of our reasoning, and fearing that the publicity of our interference would oblige the Emperor either to take steps of additional severity in order to prove to his Russian subjects that he was not controlled in what they consider the administration of their internal affairs by a foreign Power, or that he would be forced, for the same reasons, to postpone those measures of conciliation which might be in His Imperial Majesty's contemplation.

That there is a public opinion in this country is not to be denied—existing doubtless in a class, and expressed in a mode and through channels differing in every respect from those which are known and

recognized in our country, but yet one to which, when pronounced by the nobles and the military, the Emperor, all powerful as he is, is obliged to yield.

There has long been a jealousy, nay, hatred, existing between the Russians and Poles. The late war was one on which the very existence of the Russian Empire was considered to depend, more especially after the declaration of the Poles that the Emperor had forfeited his right to the Throne. Any acts of grace and favour, therefore, towards the Poles by the Emperor have been and still continue to be viewed by the Russians with great jealousy and disapprobation.

In these circumstances I deemed it most advisable to pursue the following line of conduct. I told Count Nesselrode that, by my instructions, I was charged to mention the affairs of Poland to him; that I was fully sensible of the delicacy of the question; that after a minute examination of all that had passed on this subject between him and Lord Heytesbury, I found that every point contained in my instructions had already been pressed upon him, and conveyed to the Emperor; that I did not therefore feel myself called upon to put in any formal repetition in writing of the same arguments, and protest against the proceedings in Poland, but that I begged him to understand that we adhered to the fullest extent to our original opinion. I also told him, that the accounts which had reached England of the severities which had been practised towards the Poles had produced the most unfavourable impression on the public mind, of which acts no contradiction had ever appeared; that when I mentioned this to Prince Lieven, he denied the truth of the statements in the strongest terms, but said it was beneath the dignity of the Emperor to notice such calumnies.

I said that I deeply lamented the adoption of this course; that the motives of this silence were not known or appreciated; that, in the meantime, all the accusations were believed to be true, and a feeling created against which no Minister in England could successfully contend, unable as he was either to justify or contradict the allegations advanced; and that, therefore, it was most essential that I should be enabled to obtain some information which would at once relieve the Russian Government from the imputations cast on them, and justify the English Cabinet in the avowal of those feelings of amity and cordiality towards Russia which we were so anxious to acknowledge.

Count Nesselrode said that he felt sensible of the friendliness and delicacy of the motives which induced me to take this mode of mentioning the subject to him; that it was surely not necessary to reopen an already settled question; that we had declared our interpretation of the Treaty of Vienna, from which 3 of the Great Powers

had dissented; that, our protest having been recorded, he did not suppose that we required more than an acknowledgment of that record, and that Russia never could assent to the correctness of the view we had taken of the Treaty, in which opinion she had been joined by Austria and Prussia.

He then used the same expressions, nearly, as Prince Lieven, with reference to the charges brought against them in the public papers, denied their truth, and told me that, before my departure, I should be put in possession of such details as would convince me how much the Russian Government had been calumniated.

I assured him that I should receive these details with great pleasure, and should be most happy to be made the means of affording a contradiction to allegations so injurious to the interests of both Governments; and I finished the conversation by saying, that any acts of leniency and grace which the Emperor might be able to show towards the Poles could not but produce a most favourable effect in England.

I have now detailed to your Lordship all that has passed between Count Nesselrode and myself on the subject of Poland. If you think that an official note ought to be sent in, you will be pleased to say so; I have given my reasons for not having hitherto done it. I consider that the honour and consistency of England has been sufficiently vindicated by previous declarations, and I fear that its presentation now may have the effect of preventing, or arresting, those measures of grace towards the unfortunate Poles the adoption of which it must be our anxious desire to promote.

Viscount Palmerston, G.C.B.

DURHAM.

CONVENTION between Prussia, Bavaria, Saxony, Wirtemberg, Baden, Hesse Cassel, Hesse Darmstadt, the States forming the Thuringian Union, Nassau, and the Free City of Frankfort, for the continuation of the Customs' and Commercial Union existing between the said States.—Signed at Berlin, May 8, 1841.

(Translation.)

THE Governments, associated in a Union for Customs and Commerce, conformably with the Treaties of the 22nd and 30th March, and 11th May, 1833, of 12th May and 10th December, 1835, and 2nd January, 1836, recognizing the beneficial effects by which that Union has fulfilled the intentions of those Governments when it was

established, and when it was extended, in regard to the commerce and industrial intercourse of the States of the same Union, and thereby, at the same time, in regard to the furtherance of free trade in Germany generally, now coincide in the desire to secure the continuance of this Union in a manner corresponding as well with the collective interests, as with the special circumstances of particular members thereof; negotiations have been entered into for this purpose, and the following Plenipotentiaries have been nominated; that is to say:

His Majesty the King of Prussia:

Augustus Henry Kuhlmeier, his actual Chief Privy Councillor of Finance and General Director of the Taxes; Knight of the Royal Prussian Order of the Red Eagle, Second Class, with the Star and Oak Wreath; Commander of the Royal Bavarian Order of Civil Merit; Commander of the Royal Saxon Order of Civil Merit; Commander of the Order of the Royal Crown of Wirtemberg; and

Francis Augustus Eichmann, his Actual Privy Councillor of Legation and Director, of the second section, in the Ministry of Foreign Affairs; Knight of the Royal Prussian Order of the Red Eagle, Second Class, with the Oak Wreath; and of the Imperial Austrian Order of Leopold.

His Majesty the King of Bavaria:

Charles Frederic Bever, his Councillor of the Ministry and Administrator-General of the Customs; Knight of the Royal Bavarian Order of Merit of Saint Michael, of the Royal Prussian Order of the Red Eagle, Third Class; of the Order of the Royal Crown of Wirtemberg; and of the Order of the Zähringian Lion of the Grand Duchy of Baden.

His Majesty the King of Saxony:

Lewis von Zahn, his Director of Customs and Taxes, Commander of the Grand Ducal Saxon Order of the White Falcon.

His Majesty the King of Wirtemberg:

Francis de Paula, Baron von Linden, his Chamberlain and Councillor of Legation; Chargé d'Affaires at the Royal Court of Prussia; Knight of the Order of the Royal Crown of Wirtemberg; Knight of the Royal Bavarian Order of Civil Merit; Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden; Commander of the Grand Ducal Saxon Order of the White Falcon; Knight of the Order of Malta; and

Gustavus Hauber, his Chief Councillor of Finance; Knight of the Royal Prussian Order of the Red Eagle, Third Class; of the Royal Bavarian Order of Civil Merit; of the Order of the Zähringian Lion of the Grand Duchy of Baden; and Knight, First Class, of the Grand Ducal Hessian Order of Louis.

His Royal Highness the Grand Duke of Baden :

Francis Anthony Regenauer, his Privy Referendary; Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden, and Commander, Second Class, of the Order of the Golden Lion of the Electorate of Hesse; and

Charles von Frankenberg-Ludwigsdorff, his Minister Resident at the Royal Court of Prussia; Lieutenant-Colonel and Flank-Adjutant; Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden; Knight of the Grand Ducal Order of Military Merit of Charles Frederick, of Baden; Knight of the Royal Prussian Order of St. John; Commander of the Royal Bavarian Order of Civil Merit; Commander, Second Class, of the Grand Ducal Hessian Order of Louis; and Knight of the Imperial Russian Order of St. Wladimir, Fourth Class, with the Loop.

His Highness the Prince Elector and Co-Regent of Hesse :

Henry Theodore Lewis Schwedes, his Chief Director of Mines and Saltworks; Commander, Second Class, of the Order of the Golden Lion of the Electorate of Hesse; Knight of the Royal Prussian Order of the Red Eagle, Second Class; Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden; and Commander of the Grand Ducal Saxon Order of the White Falcon.

His Royal Highness the Grand Duke of Hesse and on the Rhine :

Baron von Schäffer-Bernstein, his Minister resident at the Royal Court of Prussia; Chamberlain; Lieutenant-Colonel in the General Staff and Flank Adjutant; Commander, Second Class, of the Grand Ducal Hessian Order of Louis; Knight of the Royal Prussian Order of St. John; of the Imperial Russian Order of St. Stanislaus, Second Class; of the Imperial Austrian Order of Leopold; of the Royal French Legion of Honour; of the Royal Hanoverian Guelphic Order; and of the Royal Wirtemberg Order of Military Merit; Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden; and

Henry Lewis Biersack, his Chief Privy Councillor of Finance; Knight, First Class, of the Grand Ducal Hessian Order of Louis; Knight of the Royal Prussian Order of the Red Eagle, Third Class; of the Royal Bavarian Order of Civil Merit; of the Order of the Royal Crown of Wirtemberg; and Commander of the Order of the Zähringian Lion of the Grand Duchy of Baden.

The Sovereigns, participating in the Thuringian Union for Customs and Commerce, that is to say, besides His Majesty the King of Prussia and His Serene Highness the Prince Elector and Co-Regent of Hesse :

His Royal Highness the Grand Duke of Saxe-Weimar Eisenach ;

His Serene Highness the Duke of Saxe-Meiningen ;
 His Serene Highness the Duke of Saxe-Altenburg ;
 His Serene Highness the Duke of Saxe-Coburg and Gotha ;
 His Serene Highness the Prince of Schwarzburg-Rudolstadt ;
 His Serene Highness the Prince of Schwarzburg-Sondershausen ;
 His Serene Highness the Prince of Reuss, Greitz ;
 His Serene Highness the Prince of Reuss-Schleitz ; and
 His Serene Highness the Prince of Reuss-Lobenstein and Ebersdorf ;

Ottokar Thon, Privy Councillor of the Grand Duchy of Saxony ;
 Knight of the Grand Ducal Saxon Order of the White Falcon ; of
 the Ducal Saxe Ernestine Order ; of the Royal Prussian Order of
 the Red Eagle, Third Class ; of the Royal Bavarian Order of Civil
 Merit ; of the Royal Saxon Order of Civil Merit ; and Com-
 mander, Second Class, of the Order of the Golden Lion of the Elec-
 torate of Hesse ;

His Serene Highness the Duke of Nassau ;

William Magdeburg, His Privy Councillor and Administrative
 Director ; Knight of the Royal Prussian Order of the Red Eagle,
 Second Class ; and Commander, First Class, of the Ducal Saxe
 Ernestine Order ;

The Senate of the Free City of Frankfurt ;

Edward Francis Souchay, Doctor of Laws ; Knight of the Royal
 Bavarian Order of Civil Merit.

By these Plenipotentiaries, the following Treaty has been con-
 cluded, subject to ratification :

ART. I. It is preliminarily determined that the Union for Customs
 and Commerce should be continued for twelve years longer, that is
 to say, from the 1st of January, 1842, to the last day of December,
 1853. The Customs' Union Treaties, dated the 22nd and 30th of
 March, and 11th of May, 1833, the 12th May, and 10th December,
 1835, and the 2nd January, 1836, shall also remain in force for that
 period, but with the modifications and additional provisions contained
 in the following Articles :

II. Article VIII of the Customs' Union Treaties of the 22nd
 and 30th of March, and 11th of May, 1833, and of the 12th of May,
 1835, relative to the common Customs' Entry Offices at the internal
 boundaries between Bavaria, Wirtemberg, and Baden on the one
 part, and the other States of the Union on the other part, shall
 cease to have effect, and the trade in articles of commerce at the
 said internal boundaries shall not be subject to any further super-
 vision than such as is necessary for the purpose of levying the
 internal duties (Art. III) in one or the other of the States of the
 Union.

III. With regard to the internal duties mentioned in Articles XI and XII of the Customs' Union Treaties of the 22nd and 30th March, and 11th May, 1833, and of 12th May, 1835, as well as in Articles VIII and IX of the Customs' Union Treaties of 10th December, 1835, and 2nd January, 1836, and which are levied in particular States of the Union, either on the production or preparation, or directly on the consumption of certain commodities, all the members of the Union further acknowledge the desirability of establishing as far as practicable a uniformity of legislation, and of taxation in their States; their exertions will continue to be directed to the introduction of such uniformity, especially by uniting several States in the same system of internal Customs' regulations, with or without a common interest in the Customs' revenue. Until this end has been attained, in order to avoid the disadvantage to the producers as well as to the Customs' revenues of the particular States of the Union, which might arise from a difference in the system of internal duties generally, and especially from an inequality of the rates of the Tariffs,—independently of the taxation of beetroot-sugar produced within boundaries of the Customs' Union, in respect of which reference is made to special agreements,—the following principles shall be applied with regard to the above-mentioned duties, and to the trade in the respective articles subject thereto, between the States of the Union.

i. Respecting foreign productions.

No further duties of any kind, whether on account of the State or on account of Communes and Corporations, shall be levied on commodities respecting which it is proved in the manner prescribed by the Customs' regulations, that they have already undergone, or are still subject to official supervision at some Custom House of the Union, as foreign goods imported or in transit; or respecting which, in case they belong to the class of goods, duty free by Tariff, it is proved by certificates from the Boundary-Customs' offices that they have been imported from abroad; with the reservation, however, as regards import goods, of those internal duties which are imposed generally upon the further manufacture, or any other kind of preparation from such products, whether of foreign or inland origin, or from within the Union.

ii. With regard to inland productions, and those of the States of the Union.

1. No internal duties shall be levied, either on account of the State, or of Communes or Corporations, on articles produced within the boundaries of the Union, which are passing on transit only through a State of the Union in order to be exported either into another such State or into foreign countries.

2. Each State shall be at liberty to maintain, to alter, or to abolish the duties upon the manufacture, the preparation, or the consumption of any articles, or to introduce new duties of this kind; but for the present it shall be permitted only to impose such duties on the following home products, and on similar articles produced within the States of the Union, viz. :

a. Spirits, beer, vinegar, malt, wine, must, cider (fruit wine), tobacco, flour, and other ground preparations, as well as on baked articles, meat and preparations of meat, and fat; moreover,

b. There shall be, as far as necessary, an understanding as to certain rates, which shall not be exceeded in apportioning the duties.

3. With respect to all duties which, become leviable hereafter within the territory of the States of the Union, there shall be a reciprocal equality of treatment, so that the productions of any State of the Union shall, under no pretence whatever, be taxed more heavily, or in a more onerous manner, in any other such State, than its own home productions, or those of the other States of the Union. In conformity with this principle, it is determined as follows :

a. Those States of the Union which levy no internal duty on home production, shall not levy a duty on the same production from any other State of the Union; excepting, however, that those States of the Union where no wine is produced, shall be at liberty to levy a duty on wine from the other States of the Union, in accordance with the arrangements specially made to that effect.

b. Those States wherein internal duties on articles of consumption are levied, either on their purchase, their sale, or their consumption, shall demand payment of duties only in the same manner on articles of the same kind coming from other States of the Union; but they may either levy no duty, or they may return it wholly or in part, upon articles passing into other States of the Union.

c. Those States wherein internal duties are levied on the production or preparation of an article of consumption may levy the full legal amount of the said duties upon the importation of such article from other States of the Union, and may return it in part or in full on exportation to such States.

The duties which, in conformity with the present legislation in the said States, may hereafter be levied, and relatively remitted, are the subject of a separate agreement.

If any alterations should take place hereafter in the present duties on articles of home production, the Government concerned will communicate thereon with the Governments of the other States, and show that the rates of the duties which, in consequence of the

alteration made or intended to be made, are levied upon articles produced within the States of the Union, and remitted on their exportation, have been fixed in accordance with the principles agreed upon.

d. Where an association for equal Customs' arrangements exists between several States of the Customs' Union, such States shall be considered as one body, in reference to the right of levying the respective duties equally on articles produced within the States of the Union.

4. The duties on the respective articles produced within the States of the Union, shall, as a rule, be levied in the country of their destination, provided the said duties be not levied, in consequence of special agreements, either at the common Customs' offices at the internal frontiers, or in the country from whence the consignment takes place on account of the State entitled to such duty. The regulations which are necessary to ensure the payment of the duties, so far as regards the appointed roads and supervision for consignments from one State of the Union into another, shall be such as to interfere as little as possible with the general traffic; they shall be settled by mutual agreement, and should the territory of a third State be passed on the way, only with the consent of such State.

5. Duties levied on account of communes and corporations, whether by way of addition to the State duties, or independently, shall be allowed only on articles intended for local consumption, and in accordance with special agreements made to such effect; the stipulation ii, 2 *b*, and the principle laid down in ii, 3, with regard to a reciprocal equality in the treatment of the productions of other States of the Union, shall be applied in the same way as in relation to the State duties.

No duties on tobacco shall be levied anywhere on account of communes or corporations.

6. The Governments of the States of the Union will reciprocally communicate to each other, complete information on the following points:

a. In regard to the State duties spoken of herein, on all the laws and regulations still in force, and on any alterations taking place in future as well as on all laws and regulations respecting new duties to be introduced.

b. With reference to communal and similar dues, what places, by what communes or corporations, on what articles, to what amount, and in what manner, they are levied.

IV. The High Contracting Parties having considered it necessary to lay a duty on sugar manufactured from beetroot within the ter-

ritory of the Union, the subjoined special agreement has been made to that effect, and it forms an integral part of the present Convention, having the same force as if it were incorporated therein.

The said parties further agree that should the manufacture of sugar or treacle from other home products than beetroot, from starch for example, attain any considerable extent within the Customs' Union, this manufacture shall likewise be subject to an equal taxation in all the States of the Union, in conformity with the principles agreed upon for the duty on beetroot sugar.

V. With regard to the coinage, the Contracting Governments have already agreed, by the Convention of the 30th July, 1838, upon the adoption of an equal basis for their system of coinage, and for the mintage of a common coin to be current in every State of the Union, equally with its own coinage; and the said Governments will continue to devote their attention to the further development of their laws and systems of coinage on the general principle thus laid down.

In consequence hereof, the following stipulations of the Customs' Union Treaties, hitherto existing shall continue to be observed, viz.:

1. The common Customs' tariff shall continue to be made out in two principal divisions; that is, in the 14 thaler standard, and in the 24½ florin standard; and

2. The silver coins of all the Contracting States, with the exception of the small coinage, shall be taken in payment at all the Customs' offices of the Union, at the rate of 4 thalers to 7 florins, as stipulated in the above-mentioned Coinage Convention.

3. With respect to the gold coins, however, it shall be left to each Government of the Union to decide whether they shall be taken in payment, at the Customs' offices in their territory, and for what amount in silver.

VI. The Customs' quintal, already brought into use by the Customs' tariff of the Union, now in force, shall continue to be the common standard of the Customs' weight; but the Contracting Governments will direct their attention to the introduction of that uniformity in the systems of weights and measures of their States generally, which is desirable for the furtherance of reciprocal intercourse and trade.

VII. In reference to the distribution of the duties collected for the Union in general, instead of the stipulations of Article XXII of the Customs' Union Treaties of 22nd and 30th March, and of 11th May, 1833, as well as of 12th May, 1835; and likewise of Article XVIII of the Customs' Union Treaties of 10th December, 1835, and 2nd January, 1836, the following shall apply:

1. The amount of the import duties shall be divided among all the members of the Union in proportion to the population with which they form part of the General Union, after deducting:

a. The expenses requisite for protection and for levying of customs in the districts and at the boundaries next foreign countries (Article XXX of the Treaties of 22nd and 30th March, also of 11th May, 1833, and of 12th May, 1835, and Article XXVI of the Treaty of 10th December, 1835).

b. The returns for erroneous levies.

c. The indemnifications and reductions of customs made by virtue of special agreements.

2. The amount of export and transit duties shall be divided among the States concerned, after deducting only the returns for erroneous levies, and the indemnifications and reductions made by virtue of special agreements, as follows:

a. So far as these duties are levied at the Customs' offices in the eastern provinces of the Kingdom of Prussia (excepting therefore the province of Westphalia and the Rhenish province), in the Kingdom of Saxony and in the territory of the Thuringian Customs and Trade Union, they shall be divided among Prussia, Saxony, and the States of the Thuringian Union, in the proportions to be agreed upon; but,

b. So far as these duties are levied at the Customs' offices in the other parts of the Union, the amount of such duties shall be divided among the States concerned according to their population.

3. At the distribution of import, export, and transit duties to be made in conformity with the above sections 1 and 2, the population of such States as have joined, or may hereafter join, by Treaty, the Customs' system of any of the Contracting States, under agreement for an annual payment to be made by the latter States as the share of the former in the common Customs' revenue, shall be included in the population of the State which makes such payments.

4. The census of the population of each separate State of the Union shall be taken every 3 years, and the result shall be reciprocally communicated by the members of the Union to each other.

5. In consideration of the particular circumstances prevailing in the free city of Frankfort respecting the consumption of articles subject to duty, a special arrangement has been made respecting the share of the said city in the common revenue.

VIII. If no notice of the determination of the present Treaty be given at the latest 2 years before its expiration, it shall be considered as prolonged for another 12 years, and so on from 12 years to 12 years.

The same shall be forthwith submitted for ratification to the

High Contracting Parties, and the interchange of the ratifications shall be effected in Berlin within 8 weeks.

Done at Berlin, the 8th of May, 1841.

(L.S.) KUHLMAYER.	(L.S.) EICHMANN.
(L.S.) BEVER.	(L.S.) BARON VON LIN-
(L.S.) VON ZAHN.	DEN.
(L.S.) HAUBER.	(L.S.) REGENAUER.
(L.S.) VON FRANKEN-	(L.S.) BARON VON SCHAF-
BERG.-LUDWIGS-	FER BERNSTEIN.
DORFF.	(L.S.) THON.
(L.S.) SCHWEDES.	(L.S.) MAGDEBURG.
(L.S.) BIRSACK.	
(L.S.) SOUCHAY.	



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